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B I L L S,

PUBLIC:

FOUR VOLUMES.

—(2.)—

CORPORATIONS

TO

GRAND JURIES.

Session

19 *February*——10 *September* 1835.

VOL. II.

1835.

BILLS:

1835.

FOUR VOLUMES:—CONTENTS OF THE SECOND VOLUME.

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31 *July* 1835.

(Ireland.)

A

B I L L

To provide for the Regulation of Municipal Corporations and Borough Towns in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble:

WHEREAS divers Bodies Corporate at sundry times have been constituted within the Cities, Towns and Boroughs of Ireland, to the intent that the same might for ever be and remain well regulated and quietly governed: And whereas, partly by defects in the charters by which the said Bodies Corporate have been constituted, partly by neglect and abuse of the privileges by such charters granted and confirmed to the Inhabitants of the said Cities, Towns and Boroughs, and partly by change of circumstances since the said charters were granted, the said Bodies Corporate, for the most part, have not for a long time answered the good purposes intended, and are not now useful and efficient instruments of local government; BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, THAT so much of all laws, statutes and usages, and so much of all royal and other charters, grants and letters patent, rules, orders and directions now in force relating to the several Boroughs named in the Schedules (A.), (B.) and (C.) to this Act annexed, or to the Inhabitants thereof, or to the several Bodies or reputed or late Bodies Corporate named in the said Schedules, or any of them, as are inconsistent with or contrary to the provisions of this Act, shall be and the same are hereby Repealed and Annulled.

1. Repeal of all Acts, Charters and Customs inconsistent with this Act.

And be it Enacted, That in the construction of this Act the word "Borough" shall be construed to mean City, Borough or Town Corporate, named in one of the said Schedules (A.), (B.) and (C.), and the word "Body Corporate" shall be construed to mean Body Corporate named in one of the said Schedules (A.), (B.) and (C.) and to include all guilds and

2. Interpretation Clause.

and fraternities of, within or connected with such Bodies Corporate respectively; and the word "Burgess" shall be construed to mean Citizen in the case of a City; and the word "County" shall be construed to mean County or Riding; and the word "Trustees," shall be construed to mean Trustees, Commissioners or Directors, or the persons charged with the execution of a Trust, by whatever name they are designated; and the word "Parish" shall be construed to extend to any extra-parochial Precinct or Place, as well as a Parish; and the words "Lord Lieutenant" shall be construed to mean the Lord Lieutenant, Lords Justices, or other Chief Governor or Governors of Ireland, and that in all things hereinafter provided to be done until the first election of Councillors in any Borough under this Act shall have been declared, the word "Mayor" shall be construed to mean the chief officer of a Borough, by whatever name he is now called; or when there may be no such chief officer, the returning officer at Elections of Members to serve in Parliament for such Borough; or when there may be neither any such chief officer or returning officer, then such person as the Lord Lieutenant for the time being shall, by writing under his hand, appoint to perform the duty of Mayor under the provisions hereinafter contained; and in describing any person or thing, any word importing the singular number, shall be construed to mean also several persons or things respectively, unless there be something in the subject or context repugnant to such construction; and that no misnomer or inaccurate description of any person or place named in any Schedule to this Act annexed, or in any Burgess Roll, Ward List, Notice or Voting Paper required by this Act, shall hinder the full operation of this Act with respect to such person or place, provided that such person or place shall be so named as to be commonly understood; and in all cases where an oath or affidavit is required under this Act, the affirmation of a Quaker, Moravian or Separatist shall be accepted in lieu of such oath or affidavit.

3. Corporations to be styled Mayor and Burgesses.

And be it Enacted, That after the first election of Councillors under this Act in any Borough, the Body or reputed or late Body Corporate named in the said Schedules, in connexion with such Borough, or if there be no such Body Corporate, the Inhabitants of such Borough, qualified as hereinafter mentioned, shall take and bear the name of the Mayor and Burgesses of such Borough, and by that name shall be incorporated, and have perpetual succession, and shall by that name be capable in law, by the council hereinafter named of such Borough, to do and suffer all acts which such Bodies Corporate lawfully might or may do and suffer, and shall be entitled to, invested with and possessed of all the lawful rights, trusts, properties and estates, now or of late legally vested in or belonging or which of right ought to belong to such Boroughs or Bodies Corporate respectively, save only and except those vested in the Charitable Trustees of such Boroughs, pursuant to the provisions hereinafter contained; and the Mayor of each of the said Boroughs shall be capable in law to do and suffer all acts which the chief officer of such Borough might or may lawfully do and suffer, so far as such powers, rights, trusts and privileges respectively, are not altered or annulled by the provisions of this Act.

4. Boundaries of certain Boroughs to be those settled by 2 & 3 W. 4. cap. 89; Boundaries of other Boroughs to be declared by the Lord Lieutenant.

And be it Enacted, That after the *passing of this Act*, the Metes and Bounds of the several Boroughs named in the first sections of the said Schedules respectively, shall, for the purposes of this Act, be the same as the limits thereof respectively settled and described in an Act passed in the second and third years of the reign of his present Majesty, intituled, "An Act to settle and describe the Limits of Cities, Towns and Boroughs in Ireland, in so far as respects the Election of Members to serve in Parliament;" and the Metes and Bounds of the several Boroughs named in the second sections of the said Schedules respectively, shall, for the purposes of this Act, be and remain as the same are now taken to be under the said Act, and the Metes and Bounds of the several Boroughs named in the third section of the said Schedule (C.) shall, for the purposes of this Act, be and remain as the same are now taken to be by virtue of any charter or usage, until such time as the Lord Lieutenant of Ireland shall have been pleased to issue a Commission, that he may be certified concerning the fit Metes and Bounds to be assigned unto the same respectively, and until such further time as it shall please such Lord Lieutenant, with the advice of His Majesty's Privy Council there, upon inspection of the Return thereof made by the Commissioners, unto whom such Commission shall have been directed, to declare fit Metes and Bounds of the said last-named Boroughs; and the Metes and Bounds of the said last-named Boroughs shall be published by Royal Proclamation in the Dublin Gazette, and thenceforward shall, for the purposes of this Act, be the same so declared as last aforesaid.

5. Every place included within the Bounds of a Borough to be part of such Borough.

And be it Enacted, That every place and precinct which shall be included within the Metes and Bounds of any Borough as hereinbefore provided, and none other, shall be part of such Borough, for all the purposes of this Act, and in those Boroughs which are Counties of themselves, shall be part of such County and of none other, for all the purposes of this Act.

6. Occupiers of House and Shops of the value of 10*l.* in Boroughs named in Schedule (A.) and of the value of 5*l.* in Boroughs named in Schedules (B.) & (C.) entitled to be Burgesses, if resident within Seven Miles.

And be it Enacted, That after the *passing of this Act*, every man of full age, who shall on the *last* day of *August* in any year be an Inhabitant Householder, resident within any Borough named in the said Schedule (A.), or within *Seven* Miles of the said Borough, and shall hold and occupy, within such Borough, any house, warehouse, counting-house or shop, which shall be truly and really of the full yearly value of *Ten* Pounds or upwards, shall, if duly enrolled, according to the provisions hereinafter contained, be a Burgess of such Borough, and member of the Body Corporate of the Mayor and Burgesses of such Borough; and that after the *passing of this Act*, every man of full age who shall, on the *last* day of *August* in any year be an Inhabitant Householder, resident within any Borough named in the said Schedules (B.) and (C.), or within *Seven* Miles of such Borough, and shall hold and occupy within such Borough any house, warehouse, counting-house or shop, which shall be truly and really of the full yearly value of *Five* Pounds or upwards, shall, if duly enrolled according to the provisions hereinafter contained, be a Burgess of such Borough, and a Member of the Body

Corporate of the Mayor and Burgesses of such Borough: Provided always, That no such occupier shall be admitted to be enrolled under this Act, unless he shall have occupied such premises within said Borough, or other premises within said Borough, really and truly of the full yearly value of *Ten* Pounds or *Five* Pounds respectively, as the case may be, the space of *Six* calendar Months next preceding such enrolment; nor unless such occupier shall have paid or discharged all such Grand Jury and municipal cesses, rates, and taxes, if any, which shall have become legally due, and payable by, and been demanded from him in respect of such premises, except such as shall have been imposed or become due, within *Six* calendar Months next before such enrolment: Provided that in every case provided in this Act the distance of *Seven* Miles shall be computed by the nearest public road or way by land or water.

7. In case of Titles by Descent, &c. how the Occupation is to be reckoned.

And be it Enacted, That where any house, warehouse, counting-house or shop in any Borough shall come to any person by descent, marriage, marriage-settlement, devise or promotion to any benefice or office, such person shall be entitled to reckon the occupancy, in respect of the occupancy thereof by the person from or by whom such house, warehouse, counting-house or shop shall have so come to him, as his own occupancy, conjointly with the time during which he shall have since occupied the same, and shall be entitled to be enrolled a Burgess in respect of such successive occupancy, provided he shall be otherwise qualified as herein provided.

8. Burgesses who cease to be occupiers within the Borough, or neglect to pay their rates, to be omitted from the Burgess Roll, but may be restored at any subsequent revision of the Burgess Roll.

And be it Enacted, That if any Person who shall have been enrolled a Burgess of any Body Corporate within any Borough, according to the provisions of this Act, shall at any time thereafter cease to occupy a house, warehouse, counting-house or shop within the Borough, or cease to reside within the same, or within *Seven* Miles thereof, or be declared a bankrupt within the meaning of the Bankrupt Acts, or shall apply to take the benefit of any Act or Acts for relief of insolvent debtors, or neglect or refuse to pay such cesses, rates and taxes as aforesaid due and demanded from him at the time of the revision of the Burgess Roll, except as hereinbefore is excepted, his name shall at the then next revision of the Burgess Roll be struck out from the said Burgess Roll, and he shall thereupon cease to be a Burgess and member of the said Body Corporate: Provided nevertheless, That at any future revision of the Burgess Roll, he shall be entitled again to be and be enrolled a Burgess and member of the said Body Corporate, when he shall be duly qualified, as herein provided.

9. No Burgesses to be admitted who are not qualified under this Act.

And be it Enacted, That after the *passing of this Act* no Person shall be elected, admitted or enrolled a Citizen, Freeman or Burgess of any Borough, or by any name, a member of any Body Corporate, in respect of any right or title other than by residence, occupancy and payment of cesses, rates and taxes within such Borough, according to the meaning and provisions of this Act: Provided nevertheless, That nothing in this Act contained shall be construed to affect the right of any Person to vote for a Member or Members to serve in Parliament,

who

who before the *passing of this Act* was admitted a Citizen, Freeman or Burgess of any Borough.

10. Churchwardens of each Parish to make out Lists in this present year of Persons qualified as Burgesses in each Borough.

And be it Enacted, That on the *Fifth* day of *September* in this year, the Churchwardens of every parish, wholly or in part within any Borough, shall make out an Alphabetical List, according to the Form Number 1. in the Schedule (D.) to this Act annexed, of all Persons, with their respective residences, who shall be entitled to be enrolled in the Burgess Roll, according to the provisions of this Act, in respect of property within such Parish and Borough, and shall sign such List, and deliver the same to the Town Clerk, on the said *Fifth* day of *September*, and shall keep a true copy of such List to be perused by any Person without payment of any fee at all reasonable hours between the said *Fifth* and the *Fifteenth* days of *September* aforesaid.

11. Extra-parochial places, &c.

And be it Enacted, That in extra-parochial places, and in parishes where there is no Churchwarden, the Lord Lieutenant shall appoint, by writing under his hand, a proper Person to perform the duty of Churchwarden under this Act.

12. Aldermen of Wards in Boroughs comprising Wards to make Lists of all persons entitled to be Burgesses in their respective Wards after this present year.

And be it Enacted, That on the *Fifth* day of *September* in every succeeding year, the Alderman of each Ward, to be appointed in manner hereinafter provided in the Boroughs, divided into Wards pursuant to the provisions herein contained, shall make out an Alphabetical List, according to the Form Number 1. in the Schedule (D.) to this Act annexed, of all Persons who shall be entitled to be enrolled in the Burgess Roll of that year, according to the provisions of this Act, in respect of property within such Ward; and shall sign such List, and deliver the same to the Town Clerk of such Borough on the said *Fifth* day of *September* in every year, and shall keep a true copy of such List to be perused by any Person, without payment of any fee, at all reasonable hours between the said *Fifth* and the *Fifteenth* days of *September* in every year; and

Town Clerk to make out Lists in Boroughs not comprising Wards.

in every Borough not so divided into Wards, the Town Clerk of such Borough shall, on the *Fifth* day of *September* every succeeding year, make out an Alphabetical List, according to the said Form Number 1. in the Schedule (D.) to this Act annexed, of all Persons who shall be entitled to be enrolled in the Burgess Roll of that year within such Borough, and shall sign such List, and shall deliver a true copy of such List, signed by himself, to the Mayor of such Borough, and shall himself keep such original List, to be perused by any Person, without payment of any fee, at all reasonable hours between the *Fifth* and the *Fifteenth* days of *September* in every year; and the Town Clerk shall forthwith cause copies to be printed of all Lists delivered to him by the Churchwardens and Aldermen of the Wards, and of all Lists made out by himself as aforesaid respectively; and shall deliver a copy of all such Lists to any Person requiring the same, on payment of a reasonable price for each copy; and shall cause a copy of all such Lists to be fixed on or near the outer door of the Town Hall, or in some public and conspicuous situation within the Borough, on every day during the week next preceding the *Fifteenth* day of *September* in every year: Provided always, That in

any Borough in which there shall be no Town Clerk, or in which the Town Clerk shall be incapable of acting, all matters by this Act required to be done by and with regard to the Town Clerk, shall be done by and with regard to the Person executing duties in such Boroughs similar to those of Town Clerk; and if there be no such Person, or if such Person shall be incapable of acting, then by and with regard to such fit Person as the Mayor of such Borough shall appoint in that behalf.

13. Persons omitted from the Lists to give notice to the Town Clerk. Notices as to Persons not entitled to be retained in the Lists.

And be it Enacted, That every Person whose name shall have been omitted in any such List, and who shall claim to have his name inserted on the Burgess Roll, shall, on or before the *Fifteenth* day of *September* in every year, give notice thereof to the Town Clerk in writing, according to the Form Number 2. in the said Schedule (D.), or to the like effect; and every Person whose name shall have been inserted in any such list for any Borough may object to any other Person as not being entitled to have his name retained in the Burgess Roll for the same Borough; and every Person so objecting shall, on or before the *Fifteenth* day of *September* in every year, give to the Town Clerk of such Borough, and also to the Person objected to, or leave at the premises in respect of which his name shall have been inserted in such List, notice thereof in writing, according to the Form Number 3. in the said Schedule (D.), or to the like effect; and every Town Clerk shall include the names of all Persons so claiming in a List, according to the Form Number 4. in the said Schedule (D.); and the names of all Persons so objected to in a List according to the Form Number 5. in the said Schedule (D.), and shall cause copies of such Lists to be fixed on or near the outer door of the Town Hall, or in some public and conspicuous situation within such Borough, during the *Eight* Days next preceding the *First* day of *October* in every year; and the Town Clerk shall likewise keep a copy of the names of all the Persons so claiming as aforesaid, and also a copy of the names of all persons so objected to as aforesaid, to be perused by any Person without payment of any fee, at all reasonable hours, during the *Eight* Days, Sunday excepted, next preceding the *First* day of *October* in every year, and shall deliver a copy of each of such Lists to any Person requiring the same, on payment of a sum not exceeding *One* Shilling for each copy.

Lists of Claimants, and of Persons objected to, to be published, &c.

14. Mayor to revise Lists, and upon due proof to insert and expunge Names.

And be it Enacted, That the Mayor of every Borough shall hold an open Court within such Borough, for the purpose of revising the said Lists, at some time between the *First* day of *October* inclusive, and the *Fifteenth* day of *October* inclusive, in every year, having first given *Three* clear days' Notice of the holding of such Court, to be fixed on or near the door of the Town Hall, or in some public and conspicuous situation within the Borough; and the Town Clerk of every such Borough shall, at the opening of the Court, produce the said Lists before him, and a copy of the Lists of the Persons claiming and of the Persons objected to, so made out as aforesaid; and the several Churchwardens for the present year of every Parish, wholly or in part within every such Borough, shall attend the Court to be holden in this present year, and the Aldermen of Wards in Boroughs comprising Wards shall attend

such

such Court to be holden in ever succeeding year; and such Town Clerk and Churchwardens and Aldermen of Wards respectively, shall answer upon oath all such questions as the Mayor may put to them, or any of them, touching any matter necessary for revising the said Lists; and the Mayor shall insert in such Lists the name of every person who shall be proved, to his satisfaction, to be entitled to be enrolled in the Burgess Roll, according to the provisions of this Act; and shall retain on the said Lists the names of all persons to whom no objections shall have been duly made and sustained; and where the name of any person inserted in any one of the said Lists shall have been duly objected to, and the person objecting shall appear by himself, or by some one on his behalf, in support of such objection, the Mayor shall require proof of the qualification of the person so objected to; and in case the qualification of such person shall not be proved to the satisfaction of the Mayor, he shall expunge the name of every such person from the said Lists; and he shall also expunge from the said Lists the name of every person who shall be proved to him to be dead, and shall correct any mistake or supply any omission which shall be proved to him to have been made in any of the said Lists in respect of the name or place of abode, or local description of the property of any person who shall be included in any such List: Provided always, That no person's name shall be inserted by the Mayor in any such List, or shall be expunged therefrom, except in the case of death, unless notice shall have been given as is hereinbefore required in each of the said cases: Provided also, That no ground of objection shall be inquired into at any such Court other than is stated in some notice so given as aforesaid.

Power to rectify mistakes in the Lists.

15. And be it Enacted, That every Mayor holding any Court under this Act for the revision of the said Lists, shall have power to adjourn the same from time to time, so that no such adjourned Court shall be held after the *Fifteenth* day of *October* in any year, and shall have power to require any High Constable, Churchwarden or other person authorized to applot, collect or levy any Grand Jury cess, or municipal rate or tax, within any Parish wholly or in part within the Borough, or other person or persons having the custody of any book of applotment or rate or valuation, to produce the same, and allow the same to be inspected at any Court to be held for revision of the Burgess Roll, and shall have power to administer an Oath to the Town Clerk and Churchwardens and Aldermen of Wards, and to all persons claiming to be inserted in or making objection to the omission or insertion of any name in the said Lists, and to all persons objected to in any of such Lists, and to all persons claiming to have any mistake in any such Lists corrected, and to all witnesses who may be tendered or examined on either side; and if any person taking any oath or making any affirmation under this Act shall wilfully swear or affirm falsely, such person shall be deemed guilty of *Perjury*, and shall be punished accordingly; and the Mayor shall, upon hearing in open court, determine upon the validity of such claims and objections, and shall, in open court, write his initials

15. Mayor, on revising the Lists, to have power of adjourning, of administering Oaths, &c. and shall settle and sign the Lists in open Court.

against the names respectively struck out or inserted, and against any part of the said Lists in which any mistake shall have been corrected, and shall sign his name to every page of the several Lists so settled.

16. Borough List to be kept by the Town Clerk.

List to be copied into Books, with the Names numbered.

Such Book to be the Register of Voters, from which Election shall be made.

No Stamp Duty payable on enrolment.

And be it Enacted, That the Lists so revised and signed as last aforesaid, shall be delivered by the Mayor to the Town Clerk of such Borough, who shall keep the same, and shall cause the said Lists to be fairly and truly copied into one general Alphabetical List in a book to be by him provided for that purpose, with every name therein numbered, beginning the numbers from the first name, and continuing them in a regular series to the last name, and shall cause such book to be completed on or before the *Twenty-second* day of *October* in every year, and shall deliver such book, together with the Lists, at the expiration of his office, to the person succeeding him in such office; and every such Book shall be the Burgess Roll of the Burgesses of such Borough entitled to vote after the *passing of this Act* in the choice of the Council and Auditors of such Borough as hereinafter mentioned, at any Election which may take place in such Borough between the *Twenty-fifth* day of *October* inclusive, in the year wherein such Burgess Roll shall have been made, and the *Twenty-fifth* day of *October* in the succeeding year; provided that no Stamp Duty shall be payable in respect of the admission, registry or enrolment of any Burgess, according to the provisions of this Act.

17. Mayor wilfully and corruptly expunging or not inserting any Name, liable to an action.

Mayor, Town Clerk, Churchwarden, or Alderman, neglecting duty, guilty of a Misdemeanor.

And be it Enacted, That if any such Mayor shall wilfully and corruptly expunge the name of any person duly entitled to be enrolled on the said Burgess Roll, or shall wilfully and corruptly disallow the claim of any such person duly entitled to have his name inserted in such Burgess Roll, such Mayor shall be liable to be sued by way of Civil Bill, in an action of debt for the penal sum of *Ten* Pounds, at the suit of such person, in the Court of the Assistant Barrister, Chairman or Recorder having jurisdiction by way of Civil Bill within such Borough; and if any such Mayor shall wilfully and corruptly insert or retain in such List the name of any person who shall not be duly entitled to be enrolled on such Burgess Roll, such Mayor shall be liable to be sued by way of Civil Bill in an action of debt for the penal sum of *Ten* Pounds, at the suit of any Burgess of the said Borough, who shall sue for the same in the Court of the Assistant Barrister, Chairman or Recorder having jurisdiction by way of Civil Bill within such Borough; and the Defendant in such action respectively, being convicted, shall pay such penal sum so awarded, with full costs of suit, to the party who may sue for the same; and if any Mayor, Town Clerk, Churchwarden or Alderman shall wilfully neglect to make out such Lists, or wilfully omit the name of any person which ought to be inserted thereon, or wilfully insert in or retain on such Lists the name of any person which ought not to be inserted thereon, or wilfully neglect or refuse to perform the duties or any part thereof by this Act imposed, he shall be deemed guilty of a *Misdemeanor*, and may be indicted and punished accordingly.

18. Copies of Burgess Roll to be made for sale.

And be it Enacted, That the Town Clerk of every Borough shall cause to be written or printed copies of the Burgess Roll in every year, and shall deliver such copies to all persons applying for the same, on payment of a reasonable price for each copy; and the monies arising from the sale thereof, and of the Churchwardens' and Town Clerks' Lists, and of the Lists of claims and objections as aforesaid, shall be paid over to the Treasurer of such Borough, and shall be applied by him in aid of the Borough Fund hereinafter mentioned.

19. Expenses of Lists, how to be defrayed.

And be it Enacted, That the said Council of every Borough shall take an account of the reasonable Expenses incurred in carrying into effect the several provisions of this Act, so far as relates to the said Lists, and shall order the Treasurer of the said Borough to pay the same out of the Borough Fund of the said Borough.

20. Mayor and Council to be chosen in every Borough.

And be it Enacted, That in every Borough shall be elected, at the time and in manner hereinafter mentioned, a certain number of fit persons who shall be and be called "The Council" of such Borough, and one fit person who shall be and be called "The Mayor" of such Borough; and it shall be lawful for the Lord Lieutenant of Ireland, by the advice of His Majesty's Privy Council there, to appoint the number of persons so to be elected of the Council in each Borough, so that the number in any Borough shall not be less or more than the numbers respectively in that behalf mentioned in conjunction with the name of such Borough in the said Schedules (A.), (B.) and (C.)

21. Who qualified to be chosen Mayor or Councillor.

And be it Enacted, That no Person shall be qualified to be elected or to be a Councillor of any such Borough who shall not be a Burgess of such Borough, or during such time as he shall hold any office or place of profit other than that of Mayor in the gift or disposal of the Council or Charitable Trustees of such Borough, or during such time as he shall have directly or indirectly, by himself, or his partner, any share or interest in any contract or employment with, by or on behalf of such Council or Charitable Trustees; provided that no person shall be disqualified from being a Councillor or Charitable Trustee of any Borough as aforesaid, by reason of his being a proprietor or shareholder of or in any company which shall contract with the Council of such Borough for lighting or supplying with water any part of the said Borough.

22. Who shall vote in the election for Councillors.

And be it Enacted, That every Burgess of any Borough who shall be enrolled on the Burgess Roll for the time being of such Borough, shall be entitled to vote in the election of Councillors, and of the Auditors hereinafter mentioned for such Borough; and no person who shall not be enrolled in such Burgess Roll for the time being shall have any voice or be entitled to vote in any election.

23. Councillors to be chosen on the 25th October in every year.

And be it Enacted, That upon the *Twenty-fifth* day of *October* in every year, the Burgesses so enrolled in every Borough shall openly assemble and elect the Council of such Borough, or such part thereof, as shall be needed to supply the places of those who shall then go out

No Election to take place on Sunday.

of office: Provided nevertheless, That whenever any day by this Act appointed as a day of election shall in any year happen on a Sunday, in every such case the election shall take place on the Monday following.

24. One-third part of the Council to go out of office annually.

And be it Enacted, That upon the *Twenty-fifth* day of October *One thousand eight hundred and Thirty-six*, and in every succeeding year, *one-third* part of the number appointed as aforesaid to be the whole number of the Council of every Borough shall go out of office; and in the said year *One thousand eight hundred and Thirty-six*, those who shall so go out of office shall be the Councillors who were elected under the provisions of this Act, by the smallest numbers of votes in this present year; and in the next year, *One thousand eight hundred and Thirty-seven*, those who shall so go out of office shall be the Councillors who were elected under the provisions of this Act, by the next smallest numbers of votes in this present year; the majority of the whole Council always determining, when the votes for any such persons shall have been equal, who shall be the persons so to go out of office; and thereafter those who shall so go out of office shall always be the Councillors who have been for the longest time in office without re-election: Provided always, That any Councillor so going out of office shall be capable of being forthwith re-elected, if then qualified as herein provided.

25. Elections, how to be held.

And be it Enacted, That every Election of Councillors within any Borough, according to the provisions of this Act, shall be held before the Mayor for the time being of such Borough, except as herein is excepted; and the voting at every such Election shall commence at *Nine* of the clock in the forenoon, and shall finally close at *Four* of the clock in the afternoon of the same day, and shall be conducted in manner following; (that is to say,) every Burgess entitled to vote in the election of Councillors may vote for any number of Persons, not exceeding the number of Councillors then to be chosen, by delivering to the Mayor a Voting Paper, containing the Christian Names and Surnames of the Persons for whom he votes, with their respective places of abode and descriptions, such paper being previously signed with the name of the Burgess voting, written in his own hand, and with the name of the street, lane or other place in which the property in respect of which he appears to be enrolled on the Burgess Roll is situated.

Mode of voting.

26. Polling-booths to be provided.

And be it Enacted, That at every Election in any Borough, the Mayor, if it shall appear to him expedient for taking the Poll at such Election, may cause Booths to be erected, or Rooms to be hired and used as such Booths for different parts of such Borough, which may be situated either in one place or in several places, and shall be so divided and allotted into compartments as to the Mayor shall seem most convenient; and the Mayor shall appoint a Clerk to take the Poll at each compartment, and shall cause to be affixed on the most conspicuous part of each of the said Booths the Names of the Parts for which such Booth is respectively allotted; and no person shall be admitted to vote at any such Election, except at the Booth allotted for the part wherein the house, warehouse, counting-house or shop occupied

by him as described in the Burgess Roll may be; but in case no Booth shall happen to be provided for any particular part as aforesaid, the votes of the persons voting in respect of property situate in any part so omitted may be taken at any of the said Booths; and public notice of the situation, division and allotments of the different Booths shall be given *Two* Days before the commencement of the poll by the Mayor; and in case the Booths shall be situated in different places, the Mayor may appoint a Deputy to preside at each place: Provided also, That no election shall be holden under this Act in any Borough in any church, chapel or other place of public worship.

27. No inquiry of the Voter, except as to his identity, and whether he has voted before at the same Election.

And be it Enacted, That no inquiry shall be permitted at any election as to the right of any person to vote as a Burgess in any Borough, except only as follows; (that is to say) that the Mayor or other presiding officer shall, if required by any two Burgesses entitled to vote in the same Borough, put to any Voter at the time of his delivering in his voting paper, and not afterwards, the following Questions, or any of them, and no other:

Forms of Questions as to these points.

1. Are you the person whose name is signed as A. B. to the voting paper now delivered in by you?
2. Are you the person whose name appears as A. B. on the Burgess Roll now in force for this Borough, being registered therein for property described to be situated in ? [here specify the Street, &c. as described in the Burgess Roll.]
3. Have you already voted at the present election?

And no person required to answer any of the said questions shall be permitted or qualified to vote until he shall have answered the same; and if any person shall wilfully make a false answer to any of the questions aforesaid, he shall be deemed guilty of a *Misdemeanor*, and may be indicted and punished accordingly.

28. Result of Election, how to be declared.

And be it Enacted, That the Mayor shall examine the voting papers so delivered as aforesaid, for the purpose of ascertaining which of the several persons voted for are duly elected; and so many of such persons, being equal to the number of persons then to be chosen, as shall have the greatest number of votes, shall be deemed to be elected; and in case of an equality in the number of votes for any two or more persons, the Mayor shall name from amongst those persons, for whom the number of votes shall be equal, so many as shall be necessary to complete the requisite number of persons to be chosen; and the Mayor shall cause the voting papers to be kept in the office of the Town Clerk during *Six* calendar Months at the least after every such election; and the Town Clerk shall permit any Burgess to inspect the voting papers of any year on payment of *One* Shilling for every search; and the Mayor shall publish a List of the Names of the persons so elected, not later than *Two* of the clock in the afternoon of the day next but one following the day of such election, unless such day be Sunday, and then on the Monday following.

29. Election of Auditors.

And be it Enacted, That on the *First* day of *March* in the year *One thousand eight hundred and Thirty-six*, and in every succeeding year, the Burgesses of every Borough shall elect, by a majority of votes, *Two* Burgesses, who shall be and be called Auditors of such Borough; and every such Auditor shall continue in office until the *First* day of *March* in the year following his Election; and the Election of such Auditors shall be in form and manner hereinbefore provided for the Election of Councillors: Provided nevertheless, That in every such Election of Auditors no Burgess shall vote for more than *One* Person to be an Auditor: Provided also, That no Burgess shall be eligible to be or be elected such Auditor as aforesaid, who shall be of the Council, or a Charitable Trustee, or the Town Clerk, or Treasurer, or the Secretary or Treasurer to the Charitable Trustees of such Borough.

30. Existing Mayors and Councils to go out of Office on election of Councils under this Act.

And be it Enacted, That after the declaration of the first election of the Council under the provisions of this Act in any Borough, the Mayor, Aldermen and Common Councilmen, and all other members of the Common Council or Governing Body of the Body Corporate, if any, named in conjunction with such Borough in the said Schedules (A.), (B.) and (C.), by whatever name or style they may be known or called, then in office, shall go out of office, and their whole powers and duties shall cease: Provided nevertheless, That any of the said Persons shall be eligible to be elected under the provisions of this Act: Provided nevertheless, That such persons as by virtue of any charter are Justices of the Peace in any Borough at the time of *passing this Act*, shall continue to have and exercise all the powers which at the time of *passing this Act* they have as Justices of the Peace, until the *First* day of *May One thousand Eight hundred and Thirty-six*, and no longer: Provided also, That in every Borough in which, by statute, charter, bye-law or custom, any election is appointed to be holden between the day of the *passing of this Act* and the said *First* day of *May*, both inclusive, no such election shall be holden; but every Person holding office in any Borough on the day of the *passing of this Act*, shall continue to hold such office, and to have all the powers, and be subject to all the duties, and be entitled to the same salary and fees of such office as he would have had and been, if elected to such office between the day of the *passing of this Act* and the said *First* day of *May*, until the time provided by this Act for him to go out of office; any statute, charter, bye-law or custom notwithstanding.

31. Certain Boroughs to be divided into Wards.

AND whereas, by reason of the great number of the Inhabitants of certain Boroughs, it is desirable that such Boroughs should be divided into Wards, for the purpose of making the elections of Councillors in such Boroughs as last aforesaid in separate Wards; BE it Enacted, That if, by the last or upon the taking of any future account of the population of Ireland by authority of Parliament, it shall appear that the population of any Borough within the limits to be assigned to such Borough under the provisions of this Act, shall exceed the number of *Twelve thousand* Persons, and in case the Lord Lieutenant of

of Ireland shall issue a Commission under his hand and seal, that he may be certified whether and in what manner such division into Wards ought to be made or altered, and upon inspection of the Return thereunto made by the Commissioners to whom such Commission as last afores aid shall have been directed, shall be pleased, by the advice of His Majesty's Privy Council there, to declare that such Borough shall be divided or re-divided into Wards, and to declare the number and extent of such Wards, and the number of Councillors who shall be chosen in each of such Wards in manner following; (that is to say) if the population of such Borough shall then appear to exceed *Twelve thousand* Persons, and not to exceed *Eighteen thousand* Persons, that Borough shall be divided into *Two* Wards, and that the number of Councillors to be chosen in each Ward shall be any number so that the whole number of Councillors of such Borough shall not be less than *Twenty-four* Persons, and not more than *Thirty* Persons; and if the population of such Borough shall then appear to exceed *Eighteen thousand* Persons, and not to exceed *Twenty-four thousand* Persons, that such Borough shall be divided into any number of Wards not more than *Four*, and that the number of Councillors to be chosen in each Ward shall be any number so that the whole number of Councillors shall not be less than *Thirty* Persons, and not more than *Thirty-six* Persons; and if the population of such Borough shall then appear to exceed *Twenty-four thousand* Persons, that such Borough shall be divided into so many Wards, not less than *Four*, as to the said Lord Lieutenant shall seem fit, and that the number of Councillors to be chosen in each Ward shall not be less than *Six*; and if the said Lord Lieutenant shall cause the particulars of such division or re-division into Wards, and the number of Councillors assigned to each Ward in such Borough, to be published by Royal Proclamation in the Dublin Gazette, every such Borough shall thenceforward be deemed to be divided into such and so many Wards as shall have been so last declared and published; and the number of Persons to be elected Councillors in each Ward of every such Borough shall be the number so last declared and published as aforesaid: Provided nevertheless, That no such re-division shall be made in any Borough after the first division of the same into wards as aforesaid, unless upon the Petition to the said Lord Lieutenant by the Council of such Borough.

32. Councillors to be elected in Wards by the Burgesses of such Wards.

And be it Enacted, That in every case in which there shall be a division or re-division into Wards of any Borough after the first election of Councillors in such Borough, under the provisions of this Act, the whole Council of the Borough, and of all the Wards of the Borough, on the *Twenty-fifth* day of *October* next after such division or re-division, shall go out of office, any thing herein contained to the contrary notwithstanding; and on the last-mentioned *Twenty-fifth* day of *October* the Burgesses of every such Ward, and none others, shall separately elect the whole number of Councillors assigned to such Ward respectively, and on the *Twenty-fifth* day of *October* in any subsequent year shall separately elect *One-third* part of the whole number of Councillors

assigned to such Ward; and every such Ward election, on the *Twenty-fifth* day of *October* next after such division or re-division into Wards of any such Borough, shall be held before the Mayor, or the Person whom the Mayor for the time being shall appoint in that behalf, and in every succeeding year shall be held before the Councillor whom the Councillors chosen in such Ward shall yearly appoint in that behalf, who shall be called "the Alderman" of such Ward; and the votings and other proceedings, in all other respects, shall be conducted in the same manner as elections of Councillors by the Burgesses of the whole Borough; and the Alderman of each Ward shall have the same powers in regard to elections in his Ward as the Mayor for the whole Borough, if not divided into Wards; and every person so elected a Councillor in such Ward shall hold his office for the same time that he would have held it if he had been elected by the Burgesses of the whole Borough, and if the number elected in such Ward had been the whole number for the Borough.

33. Burgesses to vote for the Councillors of the Ward in which their Property is situate.

And be it Enacted, That every Burgess of any Borough shall be entitled to vote in the election of the Councillors to be chosen within that Ward in which the property of such Burgess, in respect of which he is enrolled on the Burgess Roll for the time being of such Borough, shall appear to be situated, and not otherwise; and in case it shall happen that any Burgess shall hold and occupy premises in two or more Wards, then he shall be entitled, if otherwise duly qualified, according to the provisions of this Act, to be enrolled and to vote in such one of the said Wards as he shall at the time of his enrolment select, but not in more than one.

34. Lists of the Burgesses in each Ward to be made out yearly.

And be it Enacted, That, for the purpose of better ascertaining who are the Burgesses of any such Ward, the Burgess Roll of every Borough so divided into Wards shall thenceforward yearly be made out in as many Alphabetical Lists of the Burgesses in each Ward, to be called "Ward Lists," as there are Wards within such Borough.

35. Manner of proceeding if any person is elected a Councillor in more than one Ward.

And be it Enacted, That if at any election of Councillors for any Borough, any person shall be elected a Councillor in more than one of the Wards of such Borough, he shall, within *Three* Days after notice thereof, choose, or in his default the Mayor shall declare for which one of the said Wards such Councillor shall serve, and such person shall thereupon be held to be elected in that Ward only which he shall so choose, or which the Mayor shall so declare.

36. Occasional vacancies in the Council to be filled up by fresh Election.

And be it Enacted, That if any Vacancy shall be occasioned in the office of Councillor or Auditor for any Borough by reason of any person who shall have been elected to such office not accepting the same, or accepting the said office in another Ward, where the Borough is divided into Wards, or by reason of his dying or ceasing to hold the said office, the Burgesses entitled to vote shall, on a day to be fixed by the Mayor of such Borough, or in case the Borough shall have been divided into Wards, by the Alderman of the Ward in which the vacancy has happened

pened (such day not to be later than *Ten* Days after such vacancy), elect another Burgess to supply such vacancy; and such Election shall be held, and the voting and other proceedings, in case of a contest, shall be conducted in the same manner, and subject to the same provisions, as are hereinbefore enacted with respect to the Elections of Councillors as aforesaid; and every person so elected a Councillor shall hold such office until the time at which the person in room of whom he was chosen, would regularly have gone out of office, and he shall then go out of office, but shall be capable of immediate re-election, if then qualified as herein provided: Provided always, That after the full number to be regularly elected of the Council in any year shall have declared their acceptance of office, no new election of Councillors shall be made by reason of such extraordinary vacancy, unless the number of Councillors remaining after such vacancy shall not exceed *Four-fifths* of the whole number of the Council of such Borough.

37. Election of Mayor by Council.

And be it Enacted, That on the day of in every year, the Council of the Borough shall elect out of the Councillors of such Borough a fit person to be the Mayor of such Borough, who shall continue in his office for *One* whole Year; and in case a vacancy shall be occasioned in the office of Mayor of the Borough during such year by reason of any person who shall have been elected to such office not accepting the same, or by reason of his dying or ceasing to hold the said office, the Council of the Borough shall, within *Ten* Days after such vacancy, elect out of the Councillors of the said Borough another fit person to be the Mayor thereof instead of such person so declining, dying or ceasing to hold office.

38. Election of Aldermen of the Wards.

And be it Enacted, That on the *First* day of *November* in every year, the Councillors chosen in each Ward of any Borough divided into Wards, shall elect out of the Councillors of such Ward a fit person to be the Alderman of such Ward, who shall continue in his office for *One* whole Year; and in case a vacancy shall be occasioned in the office of Alderman of such Ward during such year by reason of any person who shall have been elected to such office not accepting the same, or by reason of his dying or ceasing to hold the said office, the Councillors for such Ward for the time being shall, within *Ten* Days after such vacancy, elect out of the Councillors of such Ward another fit person to be the Alderman thereof in the place and stead of the person so declining, dying or ceasing to hold office.

39. Mayor and Councillors not to act until they have made a declaration of acceptance of Office.

And be it Enacted, That no Person elected a Mayor or Councillor, or Auditor or Alderman of any Ward for any Borough under the provisions of this Act, shall be capable of acting as such, except in administering the Declaration hereinafter contained, until he shall have made and subscribed, before any *Two* or more of such Councillors (who are hereby respectively authorized and required to

administer the same) a Declaration in the words or to the effect following; (that is to say)

"I, A. B., having been elected Mayor [or, Councillor, Auditor or Alderman of the Ward] for the Borough of do hereby declare, That I take the said Office upon myself, and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability."

40. Every Burgess elected to the office of Councillor, and every Councillor elected to the office of Mayor or Alderman of the Ward, shall accept the office, or pay a Fine to the Borough Fund.

And be it Enacted, That every Burgess who shall be elected to the office of Councillor or Auditor, and every Councillor who shall be elected to the office of Mayor or Alderman of the Ward for any Borough, shall accept such office to which he shall have been elected, or shall in lieu thereof pay such Fine, not exceeding *Fifty* Pounds, in case of Alderman of the Ward, Councillors or Auditors; and such Fine not exceeding *Two hundred* Pounds in case of Mayor, as the Council of such Borough, by a bye-law to be made as hereinafter provided, shall declare in that behalf to the Mayor and Burgesses of such Borough; and such Fine, if not duly paid, shall be recoverable by way of Civil Bill in an action of debt at the suit of the Mayor and Burgesses of such Borough in the Court of the Assistant Barrister, Chairman or Recorder having jurisdiction by way of Civil Bill within such Borough; and every Burgess or Councillor so elected shall accept such office, by making and subscribing the Declaration hereinbefore mentioned, within *Three* Days after notice of his election; otherwise such Burgess or Councillor shall be liable to pay the said Fine as for his non-acceptance of such office, and such office shall thereupon be deemed to be vacant, and shall be filled up by a fresh election, to be made in the manner hereinbefore mentioned: Provided always, That no person disabled by lunacy or imbecility of mind, or by deafness, blindness or other permanent infirmity of body, shall be liable to such Fine as aforesaid: Provided also, That every person so elected to any such office, who shall be above the age of *Sixty-five* Years, or who shall have already served such office respectively, or paid the Fine for not accepting such office respectively, within *Five* Years from the day on which he shall be so re-elected, shall be exempted from accepting or serving the same office, if he shall claim such exemption within *Three* Days after notice of his election.

Exemptions.

41. Any Mayor or Councillor, if he shall be declared Bankrupt or Insolvent, or absent himself from the Borough, shall lose his Office.

Provided always, and be it Enacted, That if any Person holding the office of Mayor or Councillor for any Borough shall be declared bankrupt, or shall apply to take the benefit of any Act for the relief of Insolvent Debtors, or shall be absent for more than *One* calendar Month at one and the same time (unless with the approbation of a majority of the Council) from the Borough of which he shall be Mayor or Councillor, then and in every such case such Person shall thereupon immediately become disqualified, and shall cease to hold the office of such Mayor or Councillor as aforesaid; and the Council thereupon shall forthwith declare the said office to be void, and shall signify the same by notice in writing under the hands of *Three* or more of them, countersigned

tersigned by the Town Clerk, to be affixed in some public place within the Borough, and the said office shall thereupon become void; but every Person so becoming disqualified, and ceasing to hold such office on account of his being declared a bankrupt, or of his applying to take the benefit of any Act for the relief of Insolvent Debtors, shall, on obtaining his certificate, or on payment of his debts in full, be capable of being re-elected to such office; and every Person becoming disqualified to hold such office on account of absence as aforesaid, shall on his return to such Borough be capable of being re-elected to such office, provided he shall then be otherwise qualified.

42. Penalty on Person not qualified, &c. acting as Mayor or Councillor.

And be it Enacted, That if any Person shall act as Mayor or Councillor for any Borough without having made the declaration hereinbefore required in that behalf, or without being duly qualified, or after he shall have become disqualified to hold any such office, he shall for every such offence forfeit the sum of *Fifty* Pounds, such sum to be recovered with full costs of suit by any Person who will sue for the same, within *Three* calendar Months after the commission of such offence, by Action of Debt, in any of His Majesty's superior Courts of Record in Dublin; and the money so to be recovered shall, after payment of the costs and expenses attending the recovery thereof, be paid and apportioned as follows; (that is to say) one *Moiety* thereof to the Person so suing, and the other *Moiety* thereof to the Treasurer of such Borough to be appointed by virtue of this Act, to be by him applied in aid of the Borough Fund: Provided always, That all acts and proceedings of any person in possession of the office of Mayor or Councillor, and acting as a Mayor or Councillor, shall, notwithstanding such disqualification, be as valid and effectual as if such person had been duly qualified. Proviso.

43. Persons convicted of Bribery disqualified from voting at any Election for Members of the Council.

And be it further Enacted, That if any Person who hath or claimeth to have, or hereafter shall have or claim to have, any right to vote in any such Election, shall, from and after the *passing of this Act*, ask, receive or take any Money or other Reward by way of gift, loan or other device, or agree or contract for any money, gift office, employment or other reward whatsoever, to give his vote, or to refuse or forbear to give his vote in any such Election, or if any person, by himself or any person employed by him, doth or shall, by any gift or reward, or by any promise, agreement or security for any gift or reward, corrupt or procure, or offer to corrupt or procure, any person or persons to give his or their vote or votes in any such Election, such person so offending in any of the cases aforesaid shall for every such offence forfeit the sum of *Fifty* Pounds, to be recovered, together with full Costs of Suit, by any one who shall sue for the same, by Action of Debt, Bill, Plaint or Information, in any of His Majesty's Courts of Record at Dublin; and any Person offending in any of the cases aforesaid from and after Judgment obtained against him, or being otherwise lawfully convicted thereof, shall for ever be disabled to vote in any Election for any member of the Council, and also shall for ever be disabled to hold, exercise or enjoy any office or franchise to which he and they then shall or at any time afterwards may be entitled as a

member of any City, Borough or Town Corporate, as if such person was naturally dead.

44. Persons offending in any of the Cases aforesaid, discoveringothers so offending within Twelve Months next after such Election, to be discharged from all Penalties.

And be it further Enacted, That if any Person offending in any of the cases aforesaid shall, within the space of *Twelve* calendar Months next after such Election as aforesaid, discover any other person or persons offending in any of the cases aforesaid, so that such person or persons so discovered be thereon convicted, such Person so discovered and not having been before that time convicted of any such offence, shall be indemnified and discharged from all penalties and disabilities which he shall then have incurred by any such offence.

45. No Person to be made liable to Incapacity or Penalty by this Act unless Prosecution be commenced within Two Years after such Penalty incurred.

Provided always, and it is hereby Enacted by the authority aforesaid, That no person shall be made liable to any incapacity, disability, forfeiture or penalty by this Act laid or imposed, unless prosecution be commenced within *Two* Years after such incapacity, disability, forfeiture or penalty shall be incurred, or in case of a prosecution the same be carried on without delay, any thing herein contained to the contrary notwithstanding.

46. The Mayor to be a Justice of the Peace for the Borough and for the County; and Returning Officer at Elections of Members to serve in Parliament.

And be it Enacted, That the Mayor for the time being of every Borough shall be a Justice of the Peace of and for such Borough, and shall continue to be such Justice of the Peace during the next succeeding year, after he shall cease to be Mayor, unless disqualified as aforesaid; and such Mayor shall (during the time of his Mayoralty) have precedence in all places within the Borough; and in Boroughs which return a Member or Members to serve in Parliament, other than Cities and Towns which are Counties of themselves shall be the Returning Officer at all Elections for such Members; and such Mayor, or other Returning Officer of any Borough shall, if he shall think fit, or if any Candidate shall require the same, be assisted in such of the said Boroughs as shall have a Recorder, by the Recorder of such Borough as his Assessor at such Election; and in case the Mayor shall, at the time when he shall be required to perform the duties of such Returning Officer, or at any time when it shall be necessary to execute the powers and duties herein provided with respect to any Elections, be dead or absent, or otherwise incapable of acting, the senior Councillor upon the List of Councillors of such Borough shall be and act as the Returning Officer for such Borough, or as Mayor, in his stead.

47. Power to Council to appoint Town Clerk, Treasurer and other Officers; and to take Security for due discharge of their official Duties.

And be it Enacted, That the Council of every Borough in every year shall appoint, to be removable at their pleasure, one fit person to be the Town Clerk of such Borough, and one other fit Person to be the Treasurer of the Borough, and such Clerks, Collectors, and other officers as they shall think necessary for enabling them to carry into execution the various powers and duties vested in them by virtue of this Act, and may from time to time discontinue the appointment of such officers as shall appear to them not necessary; and shall take such security for the due execution of his office by any such Town Clerk, Treasurer, Collector or other Officer, as the said Council shall think

think proper; and shall order to be paid to the Mayor, and to the Town Clerk and Treasurer, and to every such Clerk, Collector and other Officer to be employed as aforesaid, such Salary or Allowance as the said Council shall think reasonable; and in case of a vacancy in any such office as aforesaid, by death, resignation, removal or otherwise, the Council of such Borough may appoint another fit Person in the place of the Person so making such vacancy: Provided that no Person being a Councillor of such Borough shall be capable of being elected Town Clerk, Treasurer, Clerk, Collector or other Officer of such Borough as aforesaid: Provided also, That the Town Clerk and Treasurer shall not be the same Person. Salaries.

48. Treasurer to pay no money but by order of Council.

And be it Enacted, That the Treasurer of any Borough shall pay no money on account of the Mayor and Burgesses of such Borough, save only in such case as is provided by this Act, or upon the Order in writing of the Council, signed by *Three* or more Councillors, and countersigned by the Town Clerk of such Borough.

49. Accounts of Commissioners, Trustees, &c. within the Borough, to be open to inspection of Council.

And be it Enacted, That all the Accounts, together with all books, vouchers, papers, writings and documents relating to the Accounts of all Commissioners, Trustees, and other Bodies, Boards, or Persons holding or exercising any office, function, or authority within, and connected with the Corporation, or the regulation or police of the Borough, or any part thereof, or the port or harbour thereof, or any municipal taxes, rates or cesses leviable upon the inhabitants or any of them, shall be open to the inspection of the Council of the said Borough.

50. Officers to account, &c. according to the Orders of the Council.

And be it Enacted, That every Treasurer, Clerk, Collector or other Officer appointed by the Council as aforesaid, or holding or exercising any office, or function, or authority, connected with the Corporation, or the regulation or police of the Borough or any part thereof, or the Port or Harbour thereof, or any municipal taxes, rates or cesses leviable upon the inhabitants, or any of them, shall, at such times during the continuance of his office, or within *Three* calendar Months after the expiration of his office, and in such manner as the said Council shall direct, deliver to the Council, or to such person as they shall authorize for that purpose, a true account in writing of all matters committed to his charge by virtue of this Act, or under colour of his office, and also of all monies which shall have been by him received by virtue or for the purposes of this Act, or under colour of his office, and how much thereof shall have been paid and disbursed, and for what purposes; and every Officer appointed by the Council as aforesaid shall deliver therewith proper Vouchers for such payments, and also a List of the Names of all such Persons as shall not have paid the monies due from them for the purposes of this Act, and of the amount due from each of them; and every such Officer as last aforesaid shall pay all such monies as shall remain due from him to the Treasurer for the time being, or to such person as the said Council shall authorize to receive the same; and if any such Officer shall refuse or wilfully neglect to deliver such Account, as aforesaid, or the Vouchers relating to Summary remedy against Officers for not accounting, &c.

to such Account as aforesaid, or such List as aforesaid, or to make payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Council, or to such person as they shall authorize, within *Three* Days after being thereunto required by notice in writing under the hands of any *Three* or more of the said Council, to be given to or left at the last place of abode of such Officer, all books, papers and writings in his custody or power relating to the execution of this Act, or to give satisfaction to the said Council, or to such other person as aforesaid, respecting the same, then and in every such case, upon complaint made on behalf of the said Council, by such person as they shall authorize for that purpose, of any such refusal or wilful neglect as aforesaid, to any Justice of the Peace for the County or other jurisdiction wherein such Officer so refusing or neglecting shall be or reside, such Justice is hereby authorized and required to issue a Warrant under his hand and seal for bringing such Officer before any *Two* Justices of the Peace for such County or jurisdiction; and upon the said Officer appearing, or not being found, it shall be lawful for such Justices to hear and determine the matter in a summary way; and if it shall appear to such Justices that any monies remain due from such Officer, such Justices may and they are hereby authorized and required, upon non-payment thereof, by warrant under their hands and seals, to cause such monies to be levied by distress and sale of the goods of such Officer; and if sufficient goods shall not be found to satisfy the said monies, and the charges of the distress, or if it shall appear to such Justices that such Officer has refused or wilfully neglected to deliver such Account as aforesaid, or the Vouchers relating to such Account as aforesaid, or such List as aforesaid, or that any books, papers or writings relating to the execution of this Act remain in the hands or in the custody or power of such Officer, and that he has refused or wilfully neglected to deliver the same, or to give satisfaction respecting the same as aforesaid, then and in every such case such Justices shall and they are hereby required to commit such offender to the Common Gaol or House of Correction for the County or jurisdiction where such offender shall be or reside, there to remain without bail until he shall have paid such monies as aforesaid, or shall have compounded with the said Council for such monies, and shall have paid such composition in such manner as they shall appoint (which composition the said Council are hereby empowered to make and receive), or until he shall have delivered a true Account as aforesaid, together with such Vouchers and List as aforesaid, or until he shall have delivered up such books, papers and writings, or have given satisfaction in respect thereof to the said Council, or to such other person as aforesaid, as the case may be: Provided always, That no Person so committed shall be detained in prison, for want of sufficient distress only, for a longer space of time than *Three* calendar Months: Provided also, That nothing in this Act contained shall prevent or abridge any remedy by Action against any such Officer so offending as aforesaid, or against any surety for any such Officer, but such Officer shall not be sued by action, and also proceeded against in a summary manner by virtue of this Act for the same cause.

Proviso.

Remedy by Action.

And

51. Councils of Cities and Towns which are Counties, to name a Sheriff.

And be it Enacted, That in the Counties of the Cities of Cork, Dublin, Kilkenny, Limerick and Waterford, and in the Counties of the Towns of Carrickfergus, Drogheda and Galway, the Council shall, on the *First* day of *November*, in every year, name a fit Person to execute the office of Sheriff, with the like duties and powers as the Sheriffs, or the Persons filling the office of Sheriff in the said Counties respectively would have had if this Act had not passed, who shall continue in his office for *One* whole Year; and in case a vacancy shall be occasioned in the office of Sheriff of such Borough, during such period, by reason of the Person who shall have been elected to such office not accepting the same, or by reason of his dying, or ceasing to hold the said office, the Council of the said Borough shall, within *Ten* Days after such vacancy, elect another fit Person to be the Sheriff instead of the Person so declining, dying or ceasing to hold office; and every Person who, at the time of the *passing of this Act* shall hold the office or execute the duties of Sheriff in the said counties of cities and towns respectively, shall continue to hold and execute the same until the first appointment of a Sheriff therein under the provisions of this Act, and no longer.

52. City and County of Londonderry to be a County, the Sheriff of which to be nominated by the Crown.

And be it Enacted, That the County heretofore named the City and County of Londonderry shall henceforth be named the County of Londonderry; and that a Sheriff of the said County of Londonderry shall be nominated and appointed by His Majesty, His heirs and successors, in the same manner, to all intents and purposes, as the Sheriffs of other counties at large in Ireland are now nominated and appointed: Provided always, That until the Sheriff first to be nominated and appointed for the said County of Londonderry, under the provisions of this Act, shall enter upon his office, the Persons who at present fill the office of Sheriffs of the said City and County of Londonderry, or the survivor of them, shall be and remain the Sheriffs or Sheriff of the County of Londonderry, and shall fulfil and execute the duties of the said office.

53. In certain Boroughs, Council to appoint a Coroner.

And be it Enacted, That the Council of every Borough in which a separate Court of Sessions of the Peace shall be holden, as is hereinafter provided, shall, within *Ten* Days next after the grant of the said Court shall have been signified to the Council of such Borough, appoint a fit person, not being a Councillor, to be Coroner of such Borough, so long as he shall well behave himself in his office of Coroner, and shall fill up every vacancy in the office of Coroner occurring by death, resignation or removal, within *Ten* Days next after such vacancy, and none thereafter shall take any Inquisition which belongs to the office of Coroner within such Borough, save only the Coroner so from time to time to be appointed; and in such of the said Boroughs as are not Counties of Cities, or Counties of Towns, every such Coroner for every Inquisition which he shall duly take within such Borough, shall be entitled to have the sum of *Twenty* Shillings, and also the sum of *Nine-pence* for every Mile, not exceeding *Two* Miles, which he shall be compelled to travel

travel from his usual place of abode to take such Inquisition, to be paid by the Council out of the Borough Fund of such Borough, by order of the Court of Quarter Sessions for such Borough.

54. Coroners to make Returns to Lord Lieutenant.

And be it further Enacted, That on or before the *First* day of *February* in every year after the *passing of this Act*, every Coroner appointed in any Borough shall make and transmit to the Lord Lieutenant of Ireland a Return in writing, according to such form as the said Lord Lieutenant from time to time shall direct, of all the cases in which he may have been called upon to hold an Inquest touching the cause of death of any person during the year ending on the *Thirty-first* day of *December* immediately preceding.

55. County Coroners to act in other Boroughs.

And be it Enacted, That in every Borough in and for which no separate Court of Sessions of the Peace shall be holden, no Person, after the *Twenty-fifth* day of *October* in this present year, shall take any Inquisition which belongs to the office of Coroner within such Borough, save only the Coroner for the County at large in which such Borough is situated: Provided always, That such Coroners of Counties at large, and the Coroners of each County of a City and County of a Town, shall be entitled to be paid for the Inquisitions which they shall duly take as aforesaid, in manner now provided for by law, and not otherwise.

56. Officers to continue until removed.

And be it Enacted, That the Council elected under this Act in any Borough shall have power to remove from his office every Bailiff, Town Clerk, Treasurer or Chamberlain, and every other ministerial or executive Officer of such Borough and Body Corporate, who shall be in office at the time of the first election of Councillors under this Act; and every such Bailiff, Town Clerk, Treasurer or Chamberlain, and every other ministerial or executive Officer in such Borough shall continue to act in the same capacity as heretofore, and to execute all the duties heretofore belonging to his office, and be entitled to have the same Salaries, Fees and Emoluments as he would have had if this Act had not passed, until he shall be removed from his office, and no longer, unless he shall be re-appointed according to the provisions of this Act; and every Officer who shall be in possession or receipt of any Monies, Goods, valuable Securities, Books or Papers belonging to or concerning the Body Corporate whose Officer he is, shall deliver up and account for the same to the Council of such Body Corporate appointed under this Act, as is hereinbefore provided in the case of officers appointed by such Council; and in case they or any of them shall refuse or wilfully neglect to deliver such Accounts, Vouchers and Lists, or to make such payments, or to deliver such Books, Papers and Writings, or to give satisfaction respecting the same, as is hereinbefore provided in the case of officers appointed by such Council, in every such case they and every of them may be proceeded against, and shall be subject and liable to the several provisions hereinbefore contained, in cases of officers appointed by such Council.

And

57. Officers to receive Compensation on removal.

And be it Enacted, That every Officer of any Borough who shall be in any office of profit at the time of the *passing of this Act*, whose Office shall be abolished, or who shall be removed from his office under the provisions of this Act, and who shall not be re-appointed as aforesaid, shall be entitled to have an adequate Compensation, to be assessed by the Council, and paid out of the Borough Fund, for the Salary, Fees and just Emoluments of the office which he shall so cease to hold, regard being had to the manner of his appointment to the said office, and his term or interest therein, and all other circumstances of the case; and every Person entitled to such Compensation as aforesaid, shall deliver to the Town Clerk, or in case such Person shall himself be Town Clerk, then to the Treasurer of the Borough, a statement under the hand of such Person, setting forth the amount received by him or his predecessors in every year during the period of *Five* Years next before the *passing of this Act*, on account of the salary, fees, emoluments, profits and perquisites in respect whereof he shall claim such Compensation, distinguishing the office, place, situation, employment or appointment in respect whereof the same shall have been received, and containing a declaration that the same is a true statement according to the best of the knowledge, information and belief of such Person, and also setting forth the Sum claimed by him as such Compensation; and the Town Clerk or Treasurer, as the case shall be, shall lay such statement before the Council, who shall take the same into consideration and determine thereon; and immediately upon such determination being made, the Person preferring such claim, if he shall not himself be the Town Clerk, shall be informed thereof by notice in writing under the hand of the Town Clerk; and in case such claim shall be admitted in part and disallowed in part, such notice shall specify the particulars in which the same shall have been admitted and disallowed respectively; and in case the Person preferring such claim shall think himself aggrieved by the determination of the Council thereon, or in case *One-third* of the Members of the Council shall subscribe a protest against the amount of Compensation allowed by the determination of the Council as excessive, it shall be lawful for the Person preferring such claim, or any Councillor who shall subscribe such protest, to appeal to the Lords Commissioners of His Majesty's Treasury, who shall thereupon make such order as to them shall seem just; and such order, signed by *Three* or more of such Lords Commissioners, shall be binding on all parties: Provided always, That if the Council shall not determine on such claim within *Six* calendar Months after the aforesaid statement shall be delivered to the Town Clerk or Treasurer, as the case shall be, such claim shall be considered as admitted: Provided also, That it shall not be lawful for any Councillor to subscribe such protest as aforesaid, except within such period of *Six* calendar Months: Provided also, That the Person preferring such claim, if any Councillor shall so require, upon receiving notice in writing, signed by the Town Clerk, unless such Person shall himself be Town Clerk, in which case no such notice shall be requisite, shall from time to time attend at any meeting or adjourned meeting of the Council for the investigation of such

claim, and then and there upon his oath, or solemn affirmation, to be taken or made before the Mayor (who is hereby authorized to administer the same), shall answer all such questions as shall be asked by any Councillor, touching the matters set forth in the statement subscribed by such Person as aforesaid, and produce all books, papers and writings in his possession, custody or power relating thereto: Provided also, That every such Officer who shall be continued in or re-appointed to such office under the provisions of this Act, and who shall be subsequently removed from such office for any cause other than such misconduct as would warrant removal from any office held during good behaviour, shall be entitled to compensation in like manner as if he had been forthwith removed under the provisions of this Act, and had not been continued in or re-appointed to such office.

58. Compensation to be secured by Bond under Common Seal.

And be it Enacted, That the Sum payable to any Person as such Compensation as aforesaid, shall be secured to such Person by bond or obligation, under the common seal of the Borough out of whose funds the same shall be payable, in a sufficient penalty conditioned for the payment to such Person, his executors or administrators or assigns, of such Sum, with all arrears thereof (if any) accrued due before the date of such bond; and such bond or obligation shall be prepared and executed at the expense of the Borough Fund, and delivered to the Person entitled to such Compensation as soon as conveniently may be after the amount thereof shall have been admitted as aforesaid by the Council of the Borough; or shall have been determined in the event of such Appeal as aforesaid by order of the said Lords Commissioners.

59. Questions to be decided by a majority of Councillors present; one-third part of whole number to be a Quorum.

And be it Enacted, That all acts whatsoever authorized or required by virtue of this Act to be done by the Council of any Borough, and all questions of adjournment, or others that may come before such Council, may be done and decided by the majority of the Councillors who shall be present at any Meeting held in pursuance of this Act, the whole number present at such Meeting not being less than *One-third* of the number of the whole Council, and at all such Meetings the Mayor shall preside, or in case of the absence of the Mayor, such Councillor as the Councillors then assembled shall choose, shall be the Chairman of that meeting, and such Mayor or Chairman shall have a second or casting Vote in all cases of equality of Votes, and Minutes of the Proceedings of all such Meetings shall be drawn up and fairly entered into a Book, to be kept for that purpose, and shall be signed by the Mayor or Councillor presiding at such Meeting; and the said Minutes shall be open to the inspection of any Burgess at all reasonable times on payment of a fee of *One* Shilling: Provided always, That previously to any Meeting of the Council held by virtue of this Act, a notice of the time and place of such intended Meeting shall be given *Three* clear Days at least before such Meeting, by fixing the said notice on or near the door of the Town Hall of the Borough; and such Notice shall be signed by the Mayor, who shall have power to call a Meeting of the Council as often as he shall think proper; and

in

in case the Mayor shall refuse to call any such Meeting after a requisition for that purpose, signed by *Five* Councillors at the least, shall have been presented to him, it shall be lawful for the said Councillors, or any *Five* of them, to call a Meeting of the Council by giving such notice as is hereinbefore required in that behalf, such notice to be signed by the said Councillors instead of the Mayor; and in every case a summons to attend the Council, specifying the business proposed to be transacted at such Meeting, signed by the Town Clerk, shall be left at the usual place of abode of every member of the Council or at the premises in respect of which he is enrolled a Burgess, *Three* clear Days at least before such Meeting; and no business will be transacted at such Meeting other than is specified in the Notice: Provided always, That there shall be in every Borough Four Quarterly Meetings in every year, at which the Council shall meet for the transaction of general business, and no notice shall need to be given of the business to be transacted on such quarterly days; and the said Quarterly Meetings shall be holden at noon on the *First* day of *November*, or if the *First* day of *November* shall fall on a Sunday, on the day following, and at such hour on such other *Three* Days before the *Twenty-fifth* day of *October* then next following, as the Council at the Quarterly Meeting in *November* shall decide; and the first business transacted at the Quarterly Meeting in *November* shall be the election of Mayor.

60. Power to Council to appoint Committees.

And be it Enacted, That it shall be lawful for the Council of any Borough to appoint out of their own body, from time to time, such and so many Committees, either of a general or special nature, and consisting of such number of persons as they may think fit for any purposes which, in the discretion of such Council, would be better regulated and managed by means of such Committees, and to make such bye-laws and regulations for the direction and government of such Committees as to such Council shall seem meet.

61. Certificates for Excise Licenses to be granted by Council.

And be it Enacted, That the Council of every Borough having a separate Commission of the Peace, or to which a separate Commission of the Peace shall have been granted as hereinafter mentioned, or a Committee of the Council to be specially appointed by the Council in that behalf, shall hold a Special Meeting in the month of in every year, for granting Certificates to persons applying to obtain Licenses for the sale of beer, cider or spirits by retail, to be drunk or consumed in the house or premises of the persons applying for such Licenses, within said Borough, and that after the *Tenth* day of *October One thousand eight hundred and Thirty-six*, no Certificate shall be of any force to entitle any Person to receive a License for the sale of beer, cider or spirits by retail as aforesaid, within such Borough, which shall have been granted otherwise than by the Council of such Borough, or such Committee of the Council as last aforesaid: Provided always, That no Councillor exercising the trade of a distiller or brewer, or engaged in the sale of such liquors as aforesaid, or any of them, by wholesale or retail, shall act or vote at any meeting of the Council for the appoint-

ment of such Committee as last aforesaid, or for the granting of such Certificates as aforesaid, or be capable of being elected a member of such Committee as last aforesaid.

62. Council to have the power of Justices under 3 & 4 Will. 4, c. 68.

And be it Enacted, That after the said day of the Councillors of every such Borough as last aforesaid, and such Committee thereof, shall act with and possess all the powers, and be subject to all the disqualifications and penalties in the matter of granting such Certificates enacted concerning Justices of the Peace, in a certain Act passed in the third and fourth years of the reign of His present Majesty, intituled, "An Act to amend the Laws relating to the sale of Wine, Spirits, Beer and Cider by Retail in Ireland;" and the Town Clerk of every such Borough respectively shall act as therein is enacted, concerning the Clerks of the Peace; and all provisions of the last-named Act, except as herein excepted, shall apply to the Certificates to be granted to the persons unto whom such Certificates shall be granted by the Councils of such Boroughs or Committees of such Councils respectively; and that all the provisions of the said Act, relating to matters and things required to be done at or in relation to the General Sessions of the Peace, with respect to the applying for and granting such Certificates, and the receiving and hearing of objections to the allowing such applications, or granting such Licenses, and to the prohibiting of such Licenses to be issued, and declaring the reason or ground of such prohibition, and to the annulling of the same on conviction for offences, shall, as to all such matters and things, apply to the said Special Meeting of such Council or Committee as last aforesaid.

63. Town Clerk to give Notice of Meeting.

And be it Enacted, That the time and place for granting such Certificates shall be appointed by the Council, at least *Forty* Days before such Meeting; and the Town Clerk shall cause notice thereof to be affixed on the outer door of the Town Hall, and in some conspicuous place of the Police Office hereinafter mentioned, and shall give notice thereof to the several Innkeepers, Alehouse-keepers and Victualling-house keepers within the Borough.

64. Council to appoint Charitable Trustees.

AND whereas divers Bodies Corporate now stand seised or possessed of sundry Hereditaments and Personal Estate, in trust as to the whole or in part for certain charitable trusts, and it is expedient that the administration thereof be kept distinct from that of the Public Stock and Borough Fund; BE it Enacted, That in every Borough in which the Body Corporate, or any one or more of the members of such Body Corporate, in his or their corporate capacity, or any Persons or Body Corporate in trust for them, or any of them, in their corporate capacity, now stands or stand solely seised or possessed for any estate or interest whatsoever, of or in any hereditaments or any sums of money, chattels, securities for money, or any other personal estate whatsoever, as to the whole or in part, in trust or for the benefit of any charitable uses or trusts whatsoever, the first Council of such Borough to be elected under the

the provisions of this Act, shall, on the *First* day of *January* in the year *One thousand eight hundred and Thirty-six*, appoint a fit number of Persons, not less than *Nine* Persons, who shall be Charitable Trustees of such Borough; and on the *First* day of *January* in every succeeding year the Council shall appoint the Trustees then to be appointed in room of those ceasing to be Trustees, as hereinafter provided, and the said Trustees and their successors shall be one Body Corporate, by the name of the Charitable Trustees of such Borough, and by that name shall have perpetual succession, and shall be enabled to sue and be sued in all Courts and places of Judicature within these Realms, and shall stand seised and possessed of the said hereditaments, sums of money, chattels, securities for money, and other personal estate, for such uses and trusts respectively as they were subject to before the *passing of this Act*, and shall have all the estate, right, interest, title, powers and liabilities heretofore vested in or belonging to such Body Corporate, or in such member or members of such Body Corporate, in respect of the said uses and trusts, and all the estate, right, interest and title, and all the powers of such Body Corporate, or of such member or members of such Body Corporate, in respect of the said uses and trusts, shall continue in the persons who at the time of the *passing of this Act* are such Trustees as aforesaid, notwithstanding that they may have ceased to hold any office by virtue of which, before the *passing of this Act*, they were such Trustees, until the first appointment of such Trustees under this Act, and shall immediately thereupon utterly cease and determine: Provided always, That the Trustees so to be appointed, notwithstanding their acting in a corporate capacity, shall be personally answerable for all acts done by them, or breaches of trust to which they shall be party or privy, as if they had acted in their individual and not in their corporate capacity: Provided also, and be it Enacted, That upon the *First* day of *January* in the year *One thousand eight hundred and Thirty-seven*, and in every succeeding year, *One-third* part of the whole number of Persons so appointed to be Charitable Trustees of any Borough, or as near thereunto as may be, shall cease to be such Trustees, and the Council at the time of the first appointment of such Trustees shall determine who shall be the Trustees, who shall cease to be such Trustees in the years *One thousand eight hundred and Thirty-seven* and *One thousand eight hundred and Thirty-eight*; and thereafter those who shall cease to be such Trustees shall always be the Trustees who have been so for the longest time without re-appointment: Provided always, That any Person so ceasing to be a Trustee shall be capable of being forthwith re-appointed: Provided also, That if any vacancy shall be occasioned among the Charitable Trustees for any Borough at any time other than those hereinbefore provided for the appointment of such Trustees, the Council shall, within *Ten* Days next after the vacancy has happened, elect another Trustee to supply such vacancy; and every Person so elected a Trustee as last aforesaid, shall be a Trustee until the time at which the Person in the room of whom he was chosen, would

regularly have ceased to be a Trustee, and he shall then cease to be a Trustee, but shall be capable of immediate re-appointment.

65. Money to the credit of Trustees to be transferred.

And be it Enacted, That all Monies which shall be in any Bank, or in the hands of any Treasurer or other Person placed to the credit of any account under the control of any persons so ceasing to act as Trustees for any charitable uses or trusts as aforesaid, shall, immediately upon the first election of the Charitable Trustees in any Borough under this Act, be transferred to a like Account under their control; and all Conveyances, Contracts, Securities and Debts made, entered into, or contracted by to or with any Persons so ceasing to act as Trustees, shall, immediately upon the first election of the Charitable Trustees under this Act, be of the same force and with the like powers and remedies against and for the benefit of the said Charitable Trustees under this Act, as the same would have been against and for the benefit of the persons so ceasing to be Trustees as aforesaid; and that for the purpose of prosecuting or defending any suits pending by or against any persons so ceasing to act as Trustees, the Charitable Trustees under this Act shall come in the place of and be deemed and taken to be the successors of the persons so ceasing to act as such Trustees as aforesaid; and all such suits shall be prosecuted and defended in the same names and in the same manner as if this Act had not been passed: Provided that nothing herein contained shall extend to discharge any person or Body Corporate who as such Trustee has incurred any liability in respect of any breach of trust from such liability, or to impose such liability on the new Trustees, or on the Charity or Trust Estate.

Existing Contracts, Debts, &c. to be enforced and recovered.

Suits pending to be carried on.

66. Trustees to appoint a Secretary and Treasurer, &c.

And be it Enacted, That the Charitable Trustees in every Borough in which such Trustees shall be appointed under this Act, shall appoint in every year, to be removeable at their pleasure, one fit person to be their Treasurer, and one other fit person to be their Secretary, and such Clerks, Officers and Collectors, as they shall think necessary for duly administering their respective trusts, and shall take such security for the due execution of his office, by any such Treasurer, Secretary, Clerk, Collector or other officer, as the said Charitable Trustees shall think proper, and shall order to be paid to them out of the trust funds such salaries as the said Trustees shall think reasonable: Provided that no person, being a Councillor, or Town Clerk, or Treasurer of any Borough, shall be qualified to be Treasurer or Secretary to the Charitable Trustees of the same Borough: Provided also, That the Treasurer and the Secretary to the said Trustees shall not be the same person.

67. Officers to account to the Trustees.

And be it Enacted, That every Treasurer, Secretary, Clerk, Collector or other officer appointed by the said Trustees, shall account with the said Trustees touching the matters and monies committed to his charge, in manner and form as the Council shall have directed with respect to the like officers appointed by the Council; and the said Trustees shall have the same remedy against any officer neglecting or refusing to account to them as aforesaid, as is given by this Act to the Council in like case against the like officer appointed by the Council.

And

68. Treasurer to pay Money only to order of Trustees.

And be it Enacted, That the Treasurer to the said Trustees shall not pay any money on account of the said charitable uses or trusts, or any of them, but upon an order of the said Trustees in writing, signed by *Three* or more of the said Trustees, at the meeting at which such order shall have been made, and countersigned by the Secretary to the Trustees.

69. Majority of Trustees may act.

And be it Enacted, That all Acts of the Charitable Trustees appointed under this Act, in execution of their trusts, shall be done at some meeting, at which not less than *one-half* of the whole number of Trustees shall be present, and a majority of those present shall concur in such Acts, otherwise they shall be void and of none effect; and at every meeting the Trustees shall choose from amongst themselves a Chairman; and in case of equality of votes, the Chairman for the time being shall have a second or casting vote; and all the resolutions of the said Trustees shall be entered in a book to be kept by the Secretary to the Trustees for the time being; and the said book shall be open at all reasonable times, without fee, to the inspection of any Councillor: Provided nevertheless, That no act or proceeding of the said Trustees in the execution of their trust shall require, or be submitted for approval or confirmation to the Council.

70. Council to become visitors and Trustees of all Acts, of which Corporators were ex officio sole Trustees, &c.

And be it Enacted, That the Body Corporate of every Borough shall by the Council of such Borough, immediately after their election, and during such time only as they shall be such Councillors, be Trustees for executing the powers and provisions of the several Acts of Parliament made before the *passing of this Act*, (other than Acts made for securing charitable uses and trusts) and of all trusts (other than charitable trusts) of which the Body Corporate, named in conjunction with such Borough in the said Schedule, (A.), (B.) and (C.), or any of the members thereof, in their corporate capacity, was or were sole Trustees before the time of the first election of Councillors in such Borough under this Act, and shall be visitors of all local and municipal boards or commissions within or connected with such Borough, or any bridge adjoining thereto, or the port or harbour thereof, or having the collection or management of any taxes or rates leviable in such Borough, or any part thereof, and shall have full power and authority to inspect, examine, and audit all acounts, vouchers, papers, books and documents relating thereto.

71. Council to appoint a limited number of Councillors to be Joint Trustees for certain purposes.

And be it Enacted, That in every Borough in which the Body Corporate, or a particular or limited number, class or description of members of the Body Corporate, or of persons appointed by the Body Corporate, was or were before the *passing of this Act* Trustees jointly with other Trustees for the execution of any Act of Parliament, or of any trust, in which the Body Corporate, or any particular or limited number, class or description of members or nominees of the Body Corporate, by any statute, charter, bye-law, or custom, was or were before the *passing of this Act* lawfully appointed to or exercised any powers, duties or functions whatsoever not otherwise herein provided for, and the continuance of which is not inconsistent with the provisions of this

this Act, the Council of such Borough, on the day named in such Act as last aforesaid, or in the deed or will by which such trust is created for a new election, nomination or appointment of Trustees, or on which such new election, nomination or appointment has usually been made, (and if there shall be no such day named or usually observed, then on the *First* day of *January* in every year,) shall appoint the like number of councillors, or as near as may be to the like number of councillors, as there were theretofore members or nominees of such Corporate Body who in right of their office were such Trustees or charged with the execution of such powers, duties and functions, in room of the members or nominees of such Corporate Body ceasing to be Trustees, or ceasing to exercise such powers, duties and functions by virtue of this Act, and in every case of extraordinary vacancy among the Trustees or persons so appointed by the Council, shall forthwith appoint one other Councillor in the room of the person by whom such vacancy has been made, and to hold his trust or office for such time as the person by whom such vacancy has been made would regularly have held it.

72. Present Trustees of certain Acts continued for a definite time.

And be it Enacted, That notwithstanding any thing in this Act contained, every member of any Body Corporate who in his corporate capacity, and every nominee of any Body Corporate, or any particular number, class or description of members of such Body Corporate, who at the time of the *passing of this Act* shall be for a definite number of years, or other shorter time, a Trustee of such Acts or Trusts as last aforesaid, shall continue to be such Trustee until the time when he would have ceased to be such Trustee if this Act had not been passed; and if a Trustee for an indefinite time, or for life, or for so long as he shall be a member, or of a particular class or description of such Body Corporate, then until the *First* day of *January* in the year *One thousand eight hundred and Thirty-six*, and no longer; and every Councillor appointed under the provisions of this Act, to be a Trustee of such Acts or Trusts as last aforesaid, shall continue to be such Trustee until the time herein provided for the new appointment of a Councillor to be Trustee in his room, notwithstanding that he may have ceased to be a Councillor; and in case any particular member or officer of any of the said Bodies Corporate shall have been appointed by any such Act, or by any such Trust Deed or Will as last aforesaid, to perform during a definite number of years, or other shorter time, any specific powers, duties or functions whatsoever, the Person who at the time of the *passing of this Act* shall be the Person designated and qualified to perform the same, shall continue to perform the same until the time when he would have ceased to perform the same if this Act had not passed; and if appointed for an indefinite time, or for life, or for so long as he shall be a member, or of a particular class or description of such Body Corporate, then until the *First* day of *January* in the year *One thousand eight hundred and Thirty-six*, and no longer.

73. Powers vested in Trustees may be transferred to Councillors.

AND whereas it may be expedient that the powers now vested in the Trustees or Commissioners appointed under sundry Acts of Parliament, for paving or lighting, or cleansing or supplying with water, or improving certain

certain Boroughs, or certain parts thereof, save and except as hereinafter mentioned, should be transferred to and vested in the Councils of such Boroughs respectively; BE it Enacted, That the Trustees or Commissioners appointed by virtue of any such Act of Parliament as last aforesaid may, if it shall seem to them expedient, at a meeting to be called for that purpose, transfer in writing all the powers vested in them as such Trustees, by any such Act or Acts of Parliament as aforesaid, to the said Body Corporate of such Borough (save as aforesaid); and the said Body Corporate of such Borough shall thenceforth be Trustees for executing, by the Council of such Borough, the several powers and provisions of any such Act or Acts of Parliament, and the Councillors shall have the same powers and be subject to the same duties as if their names had been originally inserted in such Act or Acts (or as if they had been elected under the provisions of any such Act or Acts) as such Trustees respectively: Provided always, That nothing herein contained shall extend to enable the Commissioners for paving, cleansing and lighting the streets of Dublin, or the Commissioners for making wide and convenient Streets in the City of Dublin, or the Corporation for improving the Port and Harbour of Dublin, so to transfer the powers vested in them respectively, unless authority shall be specially given by Parliament for such purposes, or any of them.

74. A Watch Committee to consist of the Mayor and Councilmen; such Committee to appoint Constables for the Borough.

And be it Enacted, That the Council to be elected for any Borough, except the Council to be elected for the City of Dublin, shall, immediately after their first election, and so from time to time thereafter, as they shall deem expedient, appoint, for such time as they may think proper, a sufficient number of their own body, who, together with the Mayor of the Borough for the time being, shall be and be called the Watch Committee for such Borough; and all the powers hereinafter given to such Committee may be executed by the majority of those who shall be present at any meeting of such Committee, the whole number present at such meeting being not less than *Three*; and such Watch Committee shall, within *Three* Weeks after their first formation, and so from time to time thereafter, as occasion shall require, appoint a sufficient number of fit men, who shall be sworn in before some Justice of the Peace having jurisdiction within the Borough, to act as Constables for preserving the peace by day and by night, and preventing robberies and other felonies, and apprehending offenders against the peace; and the Men so sworn shall, not only within such Borough, but also within the County in which such Borough or part thereof shall be situated, and also within every County being within *Seven* Miles of any part of such Borough, and also within all Liberties in any such County, have all such powers and privileges, and be liable to all such duties and responsibilities as any Constable duly appointed now has, or hereafter may have, within his Constablewick, by virtue of the Common Law of this Realm, or of any Statutes made or to be made, and shall obey all such lawful commands as they may from time to time receive from any of the Justices of the Peace having jurisdiction within such Borough, or within any County in which they shall be called on to act as Constables, for conducting themselves in the execution of their office.

Constables to be for the County, &c. as well as Borough.

75. Watch Committee to make Regulations for the Management of the Constables.

And be it Enacted, That the Watch Committee for any such Borough as aforesaid, may from time to time frame such Regulations as they shall deem expedient for preventing neglect or abuse, and for rendering such Constables efficient in the discharge of their duties; and the said Committee, or any *Two* Justices of the Peace having jurisdiction within the Borough, may at any time suspend or dismiss any Constable whom they shall think negligent in the discharge of his duty, or otherwise unfit for the same; and when any man shall be so dismissed, or cease to belong to the said Constabulary Force, all powers vested in him as a Constable by virtue of this Act shall immediately cease; and no man so dismissed as aforesaid shall be re-appointed without the consent of *Two* of the Justices of the Peace having jurisdiction within the Borough.

76. Power to Constables to apprehend disorderly Persons, &c.

And be it Enacted, That it shall be lawful for any Constable, during the time of his being on duty, to apprehend all idle and disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of an intention to commit a felony, and to deliver any Person so apprehended into the custody of the Constable appointed under this Act, who shall be in attendance at the nearest Watch-house, in order that such Person may be secured until he can be brought before a Justice of the Peace, to be dealt with according to law, or may give bail for his appearance before a Justice of the Peace, if the Constable shall think fit to take bail, in the manner hereinafter mentioned.

77. Constables attending at the Watch-houses in the Night may take Bail by Recognizance from Persons brought before them for petty Misdemeanors; such Recognizance to be conditioned for the appearance of the Parties before a Magistrate.

And be it Enacted, That where any Person charged with any petty misdemeanor shall be brought, without the Warrant of a Justice of the Peace, into the custody of any Constable appointed under this Act, during his attendance in the night-time at any Watch-house within any such Borough as aforesaid, it shall be lawful for such Constable, if he shall think fit, to take bail by recognizance, without any fee or reward, from such Person, conditioned that such Person shall appear for examination within *Two* Days before a Justice of the Peace within the Borough, at some time and place to be specified in the Recognizance; and every Recognizance so taken shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof, as if the same had been taken before a Justice of the Peace; and the Constable shall enter in a book to be kept for that purpose in every Watch-house, the names, residence and occupation of the party, and his surety or sureties, if any, entering into such Recognizance, together with the condition thereof, and the Sums respectively acknowledged, and shall lay the same before such Justice as shall be present at the time and place when and where the party is required to appear; and if the party does not appear at the time and place required, or within *One* Hour after, the Justice shall cause a record of the Recognizance to be drawn up, to be signed by the Constable, and shall return the same to the next General or Quarter Sessions of the Peace for the Borough, or for the County in which such Borough is situate, in those Boroughs for which there shall be no separate

In default of Appearance, Recognizance to be forfeited.

rate General or Quarter Sessions of the Peace, with a certificate at the back thereof, signed by such Justice, that the Party has not complied with the obligation therein contained; and the Clerk of the Peace shall make the like Estreats and Schedules of every such Recognizance as of recognizances forfeited in the Sessions of the Peace; and if the Party not appearing shall apply, by any person on his behalf, to postpone the hearing of the charge against him, and the Justice shall think fit to consent thereto, the Justice shall be at liberty to enlarge the Recognizance to such further time as he shall appoint; and when the matter shall be heard and determined, either by the dismissal of the complaint, or by binding the Party over to answer the matter thereof at the Sessions, or otherwise, the Recognizance for the appearance of the Party before a Justice shall be discharged without fee or reward.

Time of hearing may be postponed.

78.
Penalties on Constables for neglect of duty.

And be it Enacted, That if any Constable of any Borough shall be guilty of any neglect of duty, or of any disobedience of any lawful order, every such offender, being convicted thereof before any *Two* Justices of the Peace, shall for every such offence be liable to be imprisoned for any time not exceeding *Ten* Days, or to be fined in any sum not exceeding *Forty* Shillings, or to be dismissed from his office, as such Justices shall in their discretion think meet.

79.
Penalty for assaults on Constables.

And be it Enacted, That if any Person shall assault or resist any Constable of any Borough appointed under this Act in the execution of his duty, or shall aid or incite any Person so to assault or resist, every such offender, being convicted thereof before any *Two* Justices of the Peace, shall for every such offence forfeit and pay such sum, not exceeding *Five* Pounds, as the said Justices shall think meet: Provided always, That nothing herein contained shall prevent any prosecution by way of indictment against any Person so offending, but so as that such Person shall not be prosecuted by indictment, and also proceeded against under this Act for the same offence.

Proviso.

80.
Regulation and Payment of Expenses.

And be it Enacted, That the Treasurer of every Borough shall pay to the Constables of such Borough appointed under this Act such salaries, wages and allowances, and at such periods as the Watch Committee for such Borough shall, subject to the approbation of the Council, direct, and the Council shall order to be paid also any extraordinary expenses which such Persons shall appear to have necessarily incurred in apprehending offenders and executing the orders of any Justice of the Peace having jurisdiction within such Borough, such expenses having been first examined and approved of by such Justice; and the said Treasurer shall also pay such further sums as the Watch Committee shall, subject to the approbation of the Council, award to any of the persons belonging to the said Constabulary Force as a reward for extraordinary diligence or exertion, or as a compensation for wounds or severe injuries received in the performance of their duty, or as an allowance to such of them as shall be disabled by bodily injury received, or shall be worn out by length of service, and all other

Rewards for activity, &c.

charges and expenses which the Watch Committee shall, subject to the approbation of the Council, direct to be paid for the purposes of the Constabulary Force under this Act.

81. Magistrates to appoint annually a certain number of persons to act as Special Constables in case of need.

And be it Enacted, That any *Two* or more of the Justices of the Peace having jurisdiction within any Borough are hereby authorized and required in the month of in every year, to nominate and appoint by precept in writing under their hands so many as they shall think fit of the Inhabitants of such Borough (not legally exempt from serving the office of Constable) to act as Special Constables within such Borough whensoever they shall be required by the warrant of any of the Justices of the Peace having jurisdiction within such Borough so to act, and not otherwise; and every such warrant shall recite that in the opinion of the Justice granting the same, the ordinary Police Force of the Borough is insufficient at that time to maintain the peace of the Borough; and every Person so appointed a Special Constable shall take the Oath set forth in the Act passed in the second and third years of the reign of His present Majesty, intituled, "An Act for amending the Laws in Ireland relative to the appointment of special Constables, and for the better preservation of the Peace," and shall have the powers and immunities and be liable to the duties and penalties enacted by the said last-mentioned Act; and every Person so appointed a Special Constable shall receive out of the Borough fund for every day during which he shall be called out to act as such, the sum of *Three Shillings and Sixpence*, and no more.

c. 108. 2 & 3 W. 4.

Payment of Special Constables.

82. On notice of appointment of Constables, the present Provisions in Local Acts as to watching, &c. to cease.

And be it Enacted, That as soon as Constables shall have been appointed by the Watch Committee for any Borough, a Notice signed by the Mayor of such Borough, specifying the day on which such Constables shall begin to act, shall be fixed on the door of the Town Hall and every place of public worship within such Borough; and on the day so specified in such notice so much of all Acts named in conjunction with such Borough in the Schedule (E.) to this Act annexed, and of all Acts made before the *passing of this Act*, as relates to the appointment, regulation, powers and duties, or to the assessment or collection of any rate to provide for the expenses of any Watchmen, Constables, Patrol or Police, for any place or places situated within such Borough, shall cease and determine; and all watch-houses and watch-boxes in any such place or places, and all arms, accoutrements and other necessaries provided at the public expense for any Watchmen, Constables, Patrol or Police therein, shall be given up to such Persons as shall be named by the said Mayor in such notice, for the use and accommodation of the Constables to be appointed under this Act, and all the property so to be given up shall be deemed to belong to the Body Corporate of such Borough; and in case any Person having the charge, control or possession of any watch-house, watch-box, arms, accoutrements or necessaries as aforesaid, shall neglect or refuse to give up the same as hereinbefore required, every such offender being convicted thereof before any *Two* Justices of the Peace, shall for every such offence forfeit and pay, over and above the value of the property

Watch-boxes, Arms, &c. to be given up for the use of the Constables appointed under this Act.

Penalty for not giving them up.

property not given up, such sum, not exceeding *Five* Pounds, as the said Justices shall think meet; and where there shall be any building in such place as aforesaid, a part only of which building shall have been heretofore used as a watch-house, such part shall be given up every day from the hour of *Four* in the afternoon until the hour of *Nine* in the forenoon, for the use and accommodation of the Constables to be appointed under this Act; and if any Person having the charge, control or possession of any such building shall neglect or refuse to give up such part thereof for the purposes aforesaid, or to permit free access thereto or egress therefrom during any portion of the time above prescribed, every such offender, being convicted thereof before any *Two* Justices of the Peace, shall for every such offence forfeit and pay such sum, not exceeding *Five* Pounds, as the said Justices shall think meet.

83. Proviso as to Rates in Arrear and as to Debts.

Provided always, and be it Enacted, That any Rate for defraying the expenses of any Watchmen, Constables, Patrol or Police, in any such place or places as aforesaid, made previously to the day specified in such notice as aforesaid, shall be levied and collected in the same manner as if this Act had not been passed: Provided also, That nothing herein contained shall prevent the levying and collecting of any Rate in any such place or places as aforesaid, for the purpose of paying any debt contracted before the *passing of this Act*, or the interest of any such debt, but that such Rate shall and may be levied and collected in the same manner as if this Act had not been passed.

84. Power for Council to order parts of Borough, not within Local Act, as to lighting, to be included in such Act.

AND whereas parts of certain Boroughs are within the provisions of one or more Local Act or Acts for regulating the lighting thereof, and certain other parts of the same Boroughs are not within the provisions of any Local Act for regulating the lighting thereof, and for want of such lighting, the efficiency of the Constables may be much diminished, and great facilities afforded for the commission of crimes, and for the escape of the offenders: FOR Remedy thereof, Be it Enacted, That it shall be lawful for the Council of any Borough, in any part of which there is a Local Act for the lighting thereof, to make an order that any part of such Borough, not being within the provisions of any Local Act for the lighting thereof, shall, from and after a certain day to be named in such order, be taken to be within the provisions of such Local Act or Acts for lighting any part of such Borough as the Common Council shall specify in such order; and after such day the part named in such order shall be within the provisions of the Act or Acts so specified, so far as relates to lighting, or to any rates authorized to be levied for the purpose of lighting, as fully as if such part had been originally named in such Act or Acts, any thing in such Act or Acts to the contrary notwithstanding: Provided always, That the Rate to be raised for the purpose of defraying the expenses of lighting any part so named in such order, shall not exceed the average expense in the pound of the lighting of the other parts of such Borough.

Proviso as to amount of Rate for lighting.

85. Council may assume the Powers of Commissioners under 9 Geo. 4. c. 82, for paving, lighting or cleansing Streets of any Borough.

And be it Enacted, That if the Council of any Borough chosen under this Act shall, by public notice, to be affixed on the outer door of the Town Hall, or in some public place within the Borough, declare, that on a certain day, to be named in such notice, not less than *Twenty-one* Days after the day on which such public notice shall have been given, they will take upon themselves the powers given to the Commissioners under a certain Act, made in the ninth year of the reign of his late Majesty, intituled, "An Act to make provision for the lighting, cleansing and watching of Cities, Towns Corporate and Market Towns in Ireland, in certain cases," so far as relates to the lighting of any part of such Borough, which is not within the provisions of any Local Act for lighting the same, the Council of such Borough shall, after the day named in such Notice, have the same powers and duties as belong to Commissioners under the said last-recited Act, in regard to lighting and to levying rates for the purpose of lighting such part of the Borough, except so far as the same are contrary to, or inconsistent with, the provisions of this Act.

86. Council to have power to make Bye-laws.

And be it Enacted, That it shall be lawful for the Council of any Borough to make such Bye-laws as to them shall seem meet for the good rule and government of the Borough, and for prevention and suppression of all nuisances throughout such Borough, and to appoint by such Bye-laws such fines as they shall deem necessary for the prevention and suppression of such offences; provided that no fine so to be appointed shall exceed the sum of *Five* Pounds, and that no such Bye-law shall be made unless at least *Two-thirds* of the whole number of the Council shall be present: Provided, That no such Bye-law shall be of any force until the expiration of *Forty* Days after the same, or a copy thereof, shall have been sent, sealed with the seal of the said Borough, to the Lord Lieutenant, and shall have been affixed on the outer door of the Town Hall, or in some other public place within such Borough; and if, at any time within the said period of *Forty* Days, the Lord Lieutenant, with the advice of the Privy Council of Ireland, shall disallow the same Bye-law, or any part thereof, such Bye-law, or the part thereof disallowed, shall not come into operation: Provided also, That it shall be lawful for the Lord Lieutenant, at any time within the said period of *Forty* Days, to enlarge the time within which such Bye-law, if disallowed, shall not come into force; and no such Bye-law shall, in that case, come into force until after the expiration of such enlarged time; and the Town Clerk of every Borough shall, under the directions of the Council thereof, cause all the Bye-laws and Regulations in force in such Borough from time to time to be printed in a uniform and convenient form, and shall keep copies thereof publicly affixed in the office of such Town Clerk, and in every public office and court of such Borough, of or belonging to or connected with the Corporation thereof, for the free and open inspection of all persons, without any fee, at all reasonable hours; and shall deliver a copy of such Bye-laws and Regulations to any person requiring the same, on payment of such reasonable price for the same as the Council shall from time to time direct;

direct; and if any person shall wilfully and maliciously pull down, destroy or deface any copy of such Bye-laws and Regulations, as shall be so affixed as aforesaid, such person shall for every such offence forfeit and pay any sum not exceeding *Twenty* Shillings.

87. As to breaches of Bye-laws.

And be it Enacted, That all the provisions hereinafter contained relative to offences against this Act, punishable upon summary conviction, shall be taken to apply to all offences committed in breach of any Bye-law or Regulation made by virtue of this Act.

88. All Corporate Property, and all Fines, to be received on account of a Borough Fund.

And be it Enacted, That after the election of the Treasurer in any Borough, the rents, issues and profits of all hereditaments, estates, and tenements, and the interest, dividends, and annual proceeds of all monies, dues, chattels and valuable securities belonging or payable to any Body Corporate named in conjunction with the said Borough in the said Schedules (A.), (B.) and (C.), or to any member or officer thereof in his corporate capacity, and every fine or penalty for any offence against this Act, (the application of which has not been already provided for) shall be paid to the Treasurer of such Borough; and all the Monies which he shall so receive shall be carried by him to the Account of a Fund to be called "The Borough Fund;" and such Fund, subject to the payment of any lawful debt due from such Body Corporate to any person, which shall have been contracted before the *passing of this Act*, and unredeemed, or of so much thereof as the Council of such Borough from time to time shall be required, or shall deem it expedient to redeem, and to the payment from time to time of the interest of so much thereof as shall remain unredeemed, and saving all rights, interest, claims or demands of all persons or Bodies Corporate in or upon the real or personal estate of any Body Corporate by virtue of any proceedings either at law or in equity which have been already instituted, or which may be hereafter instituted, or by virtue of any mortgage or otherwise, shall be applied towards the payment of the salary of the Mayor, and of the Recorder and of the Police Magistrate, hereinafter mentioned, when there is a Recorder or Police Magistrate, and of the respective salaries of the Town Clerk and Treasurer, and of every Clerk, Collector and other Officer whom the Council shall appoint, and also toward the payment of the expenses incurred from time to time in preparing and printing Burgess Rolls, and Ward Lists, and Notices, and in other matters attending such elections as are herein mentioned, and in Boroughs which shall have a separate Court of Sessions of the Peace, as is hereinafter provided, towards the expenses of the prosecution, maintenance and punishment of offenders committed from the Borough for trial at the Sessions of the Peace for such Borough, and towards the expense of maintaining the corporate buildings, the paving, cleansing and lighting the streets of said Borough, and towards supplying the inhabitants with water, the payment of the Constables maintaining peace and good order, and of all other municipal expenses which shall be necessarily incurred therein, and for the public benefit of the Inhabitants and improvement of the Borough; provided that it shall not be lawful for

Salaries of Recorder, Town Clerk, Treasurer and other Officers, and Election Expenses, to be paid out of such Fund.

the Council to be elected under the provisions of this Act in any Borough in which the Body Corporate, named in conjunction with the said Borough in the said Schedules (A.) (B.) and (C.) before the time of the *passing of this Act*, shall have contracted any lawful debt, chargeable on any tolls or dues belonging or payable to the said Body Corporate, or to any Member or Officer thereof, in his corporate capacity, or towards the satisfaction whereof such tolls or dues, or any part thereof, were applicable before the *passing of this Act*, to alter or reduce the amount to be levied and payable of such tolls or dues, or to grant for any consideration any remission of or exemption from such tolls or dues, or any part thereof, unless with the consent in writing under the hands of a majority in number and amount of the creditors to whom such debt is due, until after such debt and all arrears of interest due thereon shall have been fully paid and satisfied; and in case the Borough Fund shall not be sufficient for the purposes aforesaid, the Council of the Borough is hereby authorized and required from time to time to estimate, as correctly as may be, what amount, in addition to such Fund, will be sufficient for the payment of the expenses to be incurred in carrying into effect the provisions of this Act; and in order to raise the amount so estimated, the said Council is hereby authorized and required from time to time to order a Borough Rate to be made within their Borough, and for that purpose the Council of such Borough shall have within their Borough all the powers and authorities which any Commissioners in any Borough in Ireland have within the limits of their commission, by virtue of the said last-recited Act of the ninth year of the reign of his late Majesty, and shall observe and preserve the provisions thereof as if the same were herein recited, or as near thereto as the nature of the case will admit, except as is hereinafter excepted; and all such sums levied in pursuance of such Borough Rate shall be paid over to the account of the Borough Fund: Provided, That in every case in which before the *passing of this Act* any Rate might be levied in any Borough for the purpose of watching solely by day or by night, or for the purpose of watching by day or by night conjointly with any other purpose, it shall be lawful for the Council of such Borough to levy a Watch Rate, sufficient to raise any sum not greater than the average yearly sum, which, during the last *Seven* Years, or where such rate shall not have been levied during *Seven* Years, then during such less number of years as such rate shall have been levied, shall have been expended in the maintenance and establishment of watchmen, constables, patrole or policemen within the district in which such rate was levied, and for that purpose the Council shall have all the powers hereinbefore given to the Council in the matter of the Borough Rate; and where any part of any Borough shall not at the time of the *passing of this Act* be within the provisions of the Act authorizing the levy of such Rate for watching as aforesaid, it shall be lawful for the Council from time to time to order that such part, or so much thereof as to the Council shall seem fit, shall be rated to the Watch Rate in like manner as other parts of the Borough to be specified in such order, and such Watch Rate thereupon shall be levied within the part mentioned in such order, in like manner as in the other

parts

parts of the Borough so specified, and all such sums levied in pursuance of such Watch Rate shall be paid over to the account of the Borough Fund: Provided always, That no such order as last aforesaid shall be made for rating to such Watch Rate any part of any Borough in which at the time of *passing this Act* such Rate as aforesaid shall not be levied, and which is more than *Two hundred* Yards distant from any street or continuous line of houses which shall be regularly watched within the Borough under the provisions of this Act: Provided also, That nothing in this Act contained shall be construed to render liable to the payment of any debt contracted before the *passing of this Act* by any Body Corporate any part of the real or personal estate of the said Body Corporate which before the *passing of this Act* was not liable thereto, or to authorize the levy of any Rate within any part of any Borough for the purpose of paying any debt contracted before the *passing of this Act* which before the *passing of this Act* could not lawfully be levied therein towards the payment of the same.

89. Accounts of Receipts and Disbursements to be kept audited and published.

And be it Enacted, That the Treasurer of every Borough, and the Treasurer of the Charitable Trustees of every Borough, and the Treasurer of any Board of Trustees within such Borough, shall, in books to be kept for that purpose, enter true accounts of all sums of Money by them respectively received and paid on account of the purposes of this Act, or of the said charitable uses and trusts, or of such other trusts as aforesaid respectively, and of the several matters for which such sums shall have been paid; and the Books containing such Accounts shall, at all reasonable times, be open to the inspection of any of the Councillors of such Borough; and all the Accounts, with all Vouchers and Papers relating thereto shall, in the months of *March* and *September* in every year, be submitted by the Treasurer of the Borough, and by the Treasurer of the Charitable Trustees of the Borough, and of the said other Boards of Trustees respectively, to the Auditors hereinbefore provided to be elected, and to such Councillor as the Mayor shall name, on the *First* day of *March* in every year, or in case of extraordinary vacancy within *Ten* Days next after such vacancy, for the purpose of being examined and audited, from the *First* day of *September* in the year preceding to the *First* day of *March*, and from the *First* day of *March* to the *First* day of *September* in the year in which the said Auditors were elected and named, and if the said Accounts shall be found to be correct, the Auditor shall sign the same; and after such accounts shall have been so respectively examined and audited in the month of *September* in every year, each Treasurer shall make out in writing, and shall cause to be printed a full Abstract of his Accounts for the year, and a copy thereof shall be open to the inspection of all the rate-payers of such Borough; and copies thereof shall be delivered to all rate-payers of such Borough applying for the same, on payment of a reasonable price for each copy.

90. Property, remedy for misapplication of.

AND whereas many of the said Municipal Corporations in Ireland have been and now are seised and possessed of divers lands, tenements and hereditaments, and the same have been granted to them, and ought

to be vested in them for the public good and benefit of the said Boroughs respectively; and it is expedient to make further provision than now by law exists for preventing the abuse, usurpation, waste and misapplication of such property; and to secure the preservation and due and faithful application of all such property, and of all other property which may hereafter be so given or granted to or acquired by Municipal Corporations for municipal purposes; BE it Enacted, That in any case of abuse, usurpation, waste or misapplication of any such property, or of any breach of trust in respect thereof, or wherever the direction, decree or order of a court of equity shall be deemed necessary for the due administration and application of any such property, it shall be lawful for His Majesty's Attorney-General for Ireland, or for any two or more Burgesses of such Borough, to present a petition to the Court of Chancery or to the Court of Exchequer in Ireland, stating such complaint, and praying such relief as the nature of the case may require; and it shall be lawful for the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal, or the Master of the Rolls for the time being, and for the Court of Exchequer, and they are hereby required to hear such petition in a summary way, and upon affidavits, or such other evidence as shall be produced upon such hearing, to determine the same, and to give such relief and make such order therein, and with respect to the costs of such application, and to enforce the same by injunction or otherwise, as to him or them shall seem just; and such order shall be final and conclusive, unless the party or parties who shall think himself or themselves aggrieved thereby, shall, within *Two* Years from the time when such order shall have been passed and entered by the proper officer, have preferred an appeal from such decision to the House of Lords, to whom (it is hereby Declared and Enacted) an appeal shall lie from such order.

91. Proceedings not liable to Stamp Duty.

And be it further Enacted, That neither the petitions nor any proceedings upon the same or relative thereto, nor the copies of any such petitions or proceedings shall be subject or liable to the payment of any stamp duty, charge for Chancery or other Court Fund, or other public charge whatever.

92. Power of Sale and leasing restrained.

And be it Enacted, That it shall not be lawful for the Council of any Body Corporate to be elected under this Act in any Borough, or for the Charitable Trustees of any Borough, to sell or alienate the Lands, Tenements and Hereditaments of the said Body Corporate or Trustees, or any part thereof, or to demise and lease, except by reason of some covenant or contract or agreement bonâ fide for good and fair consideration, and without fraud or collusion, made or entered into on or before the *Fifth* day of *June* in the present year, by or on behalf of the Body Corporate of any Borough, or to enter into any new contract or agreement for demising or leasing the said Lands, Tenements and Hereditaments, or any part thereof, for any term exceeding *Thirty-one* Years from the time of making the Lease or agreement for a Lease; and every Lease of the premises for any shorter term may be made by every such Council either to take effect as a lease

Lease in possession, or of the reversion, subject to any existing Lease, or by way of future interest, provided the same be not made for any term which will extend beyond *Thirty-one* Years from the time when such Lease shall be made, or if made in pursuance of a previous agreement, then from the time when such agreement shall have been made; and in every Lease which the said Council is not hereby restrained from making, there shall be reserved and made payable during the whole of the term thereby granted such clear yearly rent as shall be a fair consideration for the same, and without fraud or collusion, to the Council shall appear reasonable, without taking any fine for the same: Provided nevertheless, That in every case in which such Council shall deem it expedient to sell and alienate, or to demise and lease for a longer term than *Thirty-one* Years, or upon different terms and conditions than those hereinbefore mentioned, any of the said lands, tenements or hereditaments, it shall be lawful for such Council to represent the circumstances of the case to the Lords Commissioners of His Majesty's Treasury; and it shall be lawful for such Council, with the approbation of the said Lords Commissioners, or any *Three* of them, to sell, alienate and demise any of the lands tenements and hereditaments of the said Body Corporate, in such manner and on such terms and conditions as shall have been approved by the said Lords Commissioners: Provided always, That notice of the intention of the Council to make such application as aforesaid shall be fixed on the outer door of the Town Hall, or in some public or conspicuous place within the Borough, *One* calendar Month at least before such application; and a Copy of the Memorial intended to be sent to the said Lords Commissioners shall be kept in the Town Clerk's office during such calendar month, and shall be freely open to the inspection of every Burgess at all reasonable hours during the same.

93. Leases of certain Buildings, and of Ground for building on, or for making Gardens, &c. may be made for Seventy-five Years.

Provided nevertheless, and be it Enacted, That in any of the instances hereinafter mentioned it shall be lawful for the Council from time to time to demise and lease, or to enter into any contract or agreement for demising and leasing any of the said lands, tenements or hereditaments to any Person, Body Politic, Corporate or Collegiate for any term not exceeding *Seventy-five* Years from the time of making such Lease or Agreement; (that is to say) of Tenements or Hereditaments, the greater part of the yearly value of which shall at the time of making the Lease or Agreement consist of any building or buildings, of land or ground proper for the erection of any houses or other buildings thereupon, with or without gardens, yards, curtilages, or other appurtenances to be used therewith; and where the Lessee or intended Lessee shall covenant or agree to erect a building or buildings thereon of greater yearly value than such land or ground, of land or ground proper for gardens, yards, curtilages or other appurtenances to be used with any other house or other building erected or to be erected on any such ground, belonging either to such Body Corporate or to any other Proprietor, or proper for any other purpose calculated to afford convenience or accommodation to the occupiers of any such house or building.

94. Council of certain Boroughs to name Persons to receive Commission of Justice of Peace.

And be it Enacted, That it shall be lawful for the Council of every Borough named in the said Schedule (A.) and to the Council of every Borough named in the said Schedule (B.), to which His Majesty shall at any time hereafter be pleased to grant license in that behalf, and each of them is hereby required, from time to time, to name so many fit persons as to the Council of each of the said Boroughs respectively from time to time shall seem expedient, for the purpose of being qualified to receive His Majesty's commission to act as Justices of the Peace in and for such Borough, and in and for each of the Counties of Cities and Towns respectively named in the said Schedules; and His Majesty thereupon may assign so many of the persons so named as to His Majesty shall seem fit, to be Justices, and to keep the peace in and for each of the said last-named Boroughs and Counties of Cities and Counties of Towns respectively: Provided nevertheless, That every Person so to be named and assigned shall reside within the Borough for which he shall be so assigned, or within *Five* Miles of such Borough, or of some part thereof, during such time as he shall act as a Justice of the Peace in and for such Borough: And provided also, That His Majesty may from time to time assign so many and such other fit and discreet Persons in addition thereto as to His Majesty shall seem fit to be Justices, and to keep the peace in and for any such Borough, County of a City or County of a Town respectively.

95. Councils may make Bye-laws on which the Crown may appoint salaried Justices.

And be it Enacted, That if the Council of any Borough shall think it requisite that a salaried Police Magistrate or Magistrates be appointed within such Borough, such Council is hereby empowered to make a Bye-law, fixing the amount of the salary which he or they are to receive in that behalf; and such Bye-law so made by any Council as aforesaid shall be transmitted to the Lord Lieutenant of Ireland, and the Lord Lieutenant thereupon shall be authorized to appoint so many fit persons as are named in the said Bye-law (being Barristers-at-Law of not less than *Six* Years' standing), to be, during His Majesty's pleasure, Police Magistrate or Magistrates, and a Justice or Justices of the Peace for such Borough, and to direct that such sum shall be paid quarterly out of the Borough Fund of such Borough as will be sufficient to pay such yearly salary to each of the Justices so assigned as last aforesaid, not exceeding in the whole the salary mentioned in the prayer of such Petition, clear of all fees or deductions, as to the Lord Lieutenant shall seem fit; and the Treasurer of such Borough shall thereupon pay to each Justice so assigned as last aforesaid, out of the Borough Fund of such Borough, the salary so directed to be paid by Four equal Quarterly payments, and in the same proportion up to the time of the death of such Justice, or his ceasing to act under such assignment as aforesaid: Provided, That in every case of vacancy of the office of Police Magistrate in any Borough aforesaid, no new appointment of Police Magistrate in such Borough shall be made until the Council shall again make application to the Lord Lieutenant in that behalf, and as in the case of the first appointment of a Police Magistrate in such Borough.

And

96. Council to provide a Police Office.

And be it Enacted, That the Council of every Borough to which a separate Commission of the Peace shall be granted under the provisions of this Act shall be authorized and required to provide and furnish one or more fit and suitable office or offices, to be called "The Police Office" or Offices of the borough, for the purpose of transacting the business of the Justices of such Borough, and to pay from time to time, out of the Borough Fund, such sums as may be necessary for providing, upholding and furnishing, and for the necessary expenses of such Police Office or Offices; provided that no room or rooms in or adjoining to any house licensed as a Victualling-house or Ale-house shall be used for the purposes of any such Police Office.

97. Justices need not be qualified by Estate.

And be it Enacted, That every person assigned to keep the peace within any Borough under the provisions of this Act, or any of them, shall, during the continuance of such assignment, execute the duties of a Justice of the Peace in and for the Borough for which he shall have been so assigned, although he may not have such qualification by estate as is required by law in the case of other persons being Justices of Peace for a County; provided that such person be not disqualified by law to act as a Justice of the Peace for any other cause, or upon any other account than in respect of estate, and although such person may not be a Burgess of the Borough in and for which he shall have been assigned to act as a Justice of the Peace; and that every summons for the appearance of any person or warrant to compel such appearance, or warrant for the apprehension of any person charged with any offence, or search warrant issued by any Justice of the Peace, acting in and for any Borough in any matter within his jurisdiction, may be respectively served and executed within any county in which the said Borough shall be situated, or within any distance not exceeding *Seven* Miles from such Borough, and within such limits as aforesaid, shall have the same force and effect as if the same had been originally issued or subsequently indorsed by a Justice of the Peace, having jurisdiction in the place where the same shall be served or executed; any law, statute, charter or usage to the contrary notwithstanding; and every such summons and warrant shall and may be lawfully served or executed within such limits as aforesaid, by the Constable to whom the same shall be directed, or by any Constable or other Peace Officer of the County, Borough, Parish or Place in which the person named in such summons or warrant may be: Provided always, That nothing herein contained shall extend to enable the Council to be elected for the City of Dublin under this Act, to appoint any greater number of the Divisional Justices within the police district of Dublin Metropolis, than may now be appointed by the assembly of the Corporation of the said City, pursuant to the provisions of an Act made in the fifth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to amend an Act of the forty-eighth year of the reign of his late Majesty, for the more effectual Administration of the Office of a Justice of the Peace, and for more effectual Prevention of Felonies within the District of Dublin Metropolis;" but that the appointment of such Divisional Justices shall continue to be regulated by the provisions of the said Acts of the fifth

Council of the City of Dublin to appoint Divisional Justices under the 48 Geo. 3. c. 140, and 5 Geo. 4. c. 102.

year of the reign of his late Majesty King GEORGE the Fourth, and forty-eighth year of the reign of his late Majesty King GEORGE the Third; save only that it shall not any longer be requisite that any of the said Divisional Justices shall be an Alderman of the City of Dublin, or a Sheriff's Peer or member of the Common Council of the said City; and the vacancies among the Four Divisional Justices in the appointment of the Corporation of the said City, under the said Acts, shall be filled up by the Council of the said City, pursuant to the provisions of this Act, subject to such approbation of the Lord Lieutenant and Privy Council as by the said recited Acts is required.

98. Recorder to be appointed by His Majesty in certain Boroughs.

And be it Enacted, That the Council of every Borough which shall be desirous that a separate Court of Sessions of the Peace, or a Court of Record for the trial of Civil Actions, shall be or continue to be holden in and for such Borough, shall signify the same by Petition to the Lord Lieutenant and Privy Council in Ireland, setting forth the grounds of the application, and the salary which they are willing to pay to the Recorder in that behalf; and if His Majesty shall be pleased thereupon to grant that a separate Court of Sessions of the Peace, or a Court of Record for the trial of Civil Actions, shall thenceforward be holden in and for such Borough, the Lord Lieutenant may appoint for such Borough, or for any two or more of such Boroughs conjointly, a fit person, being a Barrister-at-Law of not less than *Six* Years' standing, who shall be and be called the Recorder of such Borough or Boroughs, and shall hold such Office during his good behaviour; and the Lord Lieutenant, upon any vacancy in any such Office, may appoint another fit person, being a Basrister-at-Law of not less than *Six* Years' standing, to be the Recorder in the place of the person so making such vacancy; and the Recorder for the time being of any Borough shall be a Justice of the Peace of and for such Borough, although he may not have such qualification by estate as is required by law in the case of any other person being a Justice of the Peace for a County; and such Recorder shall have precedence in all places within the Borough of which he may be the Recorder, next after the Mayor thereof; and it shall be lawful for the said Lord Lieutenant to direct that an annual salary, not exceeding the sum stated in the Petition of the Council, shall be paid to such Recorder by the Treasurer of such Borough, out of the Borough Fund: Provided always, That no Person being such Recorder as aforesaid shall be eligible to serve in Parliament for such Borough; nor shall he be a Councillor, or Police Magistrate of such Borough: Provided also, That in every Borough in and for which a separate Court of Sessions of the Peace, or a Court of Record for the trial of Civil Actions is now holden, and of which the present Recorder or Deputy Recorder is a Barrister of *Six* Years' standing, the Council may signify in their Petition their desire that such Recorder or Deputy Recorder, being qualified as aforesaid, shall be continued or appointed a Recorder under the provisions of this Act; and in every such case, if His Majesty shall be pleased to grant a separate Court of Sessions of the Peace, or a Court of Record for the trial of Civil Actions, to such Borough, the Recorder or Deputy Recorder

Recorder to be a Justice of the Peace for the Borough.

Not to be Councillor or Police Magistrate.

Recorder so named in the said Petition, shall be the first Recorder of such Borough under the provisions of this Act: Provided also, That in case of sickness or unavoidable absence, the Recorder of any Borough shall be empowered, with the consent of the Lord Lieutenant of Ireland, to appoint a Deputy Recorder, being a Barrister of *Six* Years' standing, to act for him at the Sessions of the Peace then next ensuing, and in such Court of Record, for any time not exceeding *Three* calendar Months, and no longer or otherwise.

99. Justices to make Declaration before acting.

Provided nevertheless, and be it Enacted, That no Person assigned as aforesaid to keep the peace within any such Borough shall be capable of acting as Recorder or Justice of the Peace within such Borough, until he shall have taken the oaths provided to be taken by Justices of the Peace, and until he shall have made before the Mayor, or before any *Two* or more of the Councillors of such Borough (who is and are hereby authorized and required to administer the same), a Declaration in the following form; (that is to say)

> "I, A. B., do hereby declare, That I will faithfully and impartially execute the office of Recorder [or, Justice of the Peace] for the Borough of according to the best of my judgment and ability."

100. Sessions of the Peace to be held for the Borough.

And be it Enacted, That the Recorder of every Borough to which such separate Court of Sessions of the Peace shall be granted as aforesaid, shall hold once in every quarter of a year, or at such other and more frequent times as the said Recorder in his discretion may think fit, or as His Majesty shall think fit to direct, a Court of Sessions of the Peace in and for such Borough, of which Court the Recorder of such Borough shall sit as the Chief Judge; and such Court of Sessions of the Peace shall be a Court of Record, and shall have cognizance of all crimes, offences and matters whatsoever committed within such Borough, cognizable by any Courts of Sessions of the Peace for Counties at large in Ireland, and shall have power to do all things necessary for exercising such jurisdiction as fully as any such last-mentioned Court.

Recorder to be Chief Judge.

101. Mayor, in the absence of the Recorder, may open and adjourn the Court.

And be it Enacted, That in the absence of the Recorder, and Deputy Recorder, the Mayor shall be authorized and required, at the proper times appointed for the holding of such Court of Sessions of the Peace in and for such Borough, to open the said Court, and to adjourn over the holding of the same, and to respite all recognizances conditioned for appearing at the same, until such further day as such Mayor then and there and so from time to time shall cause to be proclaimed: Provided nevertheless, That nothing in this Act contained shall authorize or require any such Mayor to sit as a Judge of the said Court for the trial of offenders, or to do any other act in the character of a Judge of such Court, in the absence of the Recorder and Deputy Recorder, save only in opening and adjourning the said Court, and respiting the said recognizances in manner aforesaid.

102. County Justices to have jurisdiction in all Boroughs which have not a separate Court of Sessions of the Peace.

And be it Enacted, That after the *First* day of *May One thousand eight hundred and Thirty-six*, the Justices assigned, or hereafter to be assigned, to keep the peace in and for the County in which any Borough is situated, to which His Majesty shall not have granted that a separate Court of Sessions of the Peace shall be holden in and for the same, shall exercise the jurisdiction of Justices of the Peace in and for such Borough, as fully as by law they and each of them can or ought to do in and for the said County; any law, statute, letters patent, charter, grant or custom to the contrary notwithstanding.

103. Jurisdiction of Court of Record.

And be it Enacted, That in every Borough to which His Majesty shall have granted a separate Court of Sessions of the Peace, or a Court of Record for the trial of Civil Actions as aforesaid, there shall be holden or continue to be holden a Court of Record for the trial of Civil Actions, and the Recorder of such Borough shall be the sole Judge of such Court; and in all cases where by charter or custom there is or ought to be holden such a Court of Record, shall have jurisdiction to hold and continue such Court for the purpose of disposing of all causes pending therein at the time of the appointment of such Recorder, at such times and places, and with such rules and practice, and with the same powers and jurisdiction, as belonged to the said Court at the time of the *passing of this Act*; and in all other causes such Recorder shall have jurisdiction to proceed either by process of attachment of goods, or by serviceable process, according to the provisions hereinafter contained, with authority to try, in a summary way, as hereinafter provided, Actions of assumpsit, covenant and debt, whether the debt be by specialty or on simple contract; and all Actions of trespass or trover for taking goods and chattels, provided the sum or damages sought to be recovered shall not exceed *Twenty* Pounds, and either the cause ofaction shall have accrued within such Borough, or the defendant or one of the defendants shall be resident therein; and also all actions of ejectment between landlord and tenant wherein the annual rent of the premises of which possession is sought to be recovered shall not exceed *Twenty* Pounds; and also to try, according to the course of the common law, Actions of assumpsit, covenant and debt, whether the debt be by specialty or on simple contract, and all Actions of trespass or trover for taking goods and chattels, provided the sum or damages sought to be recovered shall not exceed *Fifty* Pounds, and the cause of action shall have accrued within such Borough; and such Actions shall not be removed or removable to any of His Majesty's Superior Courts, by Writ of Certiorari, or any other process, save Writ of Error after judgment, where the proceeding is according to the course of the common law: Provided also, That every such Judge respectively, from time to time, may make rules for regulating the practice of such Court over which he presides; but so that no such rules shall be of force until they shall have been allowed and confirmed by the Judges of His Majesty's Court of King's Bench in Dublin, or any *Three* of them.

104. Town Clerk to be Clerk of Peace,

And be it Enacted, That in any Borough wherein there shall be a separate Court of Sessions of the Peace, or a Court of Record for the trial

trial of Civil Actions, or a Court of Conscience, under the provisions of this Act, the Town Clerk of such Borough shall, in right of his office of Town Clerk, be also the Clerk of the Peace of such Borough, the Registrar of such Court of Record, and the Clerk of such Court of Conscience respectively; and that the Council of every such Borough shall appoint such other officers and servants as are necessary for carrying on the business and executing the process of such Courts respectively; and in every Borough, being a county of a city or county of a town, wherein the office of Clerk of the Crown is now by law in the appointment of the Corporation of such Borough, or any member or officer thereof, or held by any officer thereof in right of his office, the Town Clerk of such Borough shall, in right of his office of Town Clerk, be also the Clerk of the Crown of such Borough: Provided that no Registrar or other officer of such Court shall, by himself or his partner, practise as an Attorney in such Court.

Registrar of Court of Record, and Clerk of Court of Conscience.

105. Existing Suits not to abate by reason of the change of Jurisdiction.

And be it Enacted, That no Suit commenced in any Court of Record in any Borough before the *First* day of *March One thousand eight hundred and Thirty-six*, shall abate by reason of any change that shall have been worked in the constitution of such Court by the provisions of this Act, but that the same may be heard and determined as if it had been commenced before such Judge, according to the provisions hereinbefore contained in that behalf.

106. Who to be Jurors.

And be it Enacted, That every Person being a Burgess of any Borough wherein there shall be a separate Court of Sessions of the Peace, or a Court of Record for the trial of Civil Actions (unless he shall be exempt or disqualified otherwise than in respect of property from serving on Juries, by virtue of an Act passed in the third and fourth years of the reign of His present Majesty, intituled, "An Act for consolidating and amending the Laws relative to Jurors and Juries in Ireland"), shall be qualified and liable to serve on Grand Juries in such Borough, and also upon Juries for the trial of all Issues joined in any Court of Sessions of the Peace and in any Court of Record for the trial of Civil Actions, triable within the Borough of which such Person shall be a Burgess; and the Clerk of the Peace of every such Borough shall give public notice of the Time and Place of holding every such Sessions of the Peace *Ten* Days at least before the holding thereof, and in Boroughs being counties of cities, or counties of towns, the Sheriff thereof, and in other Boroughs the Clerk of the Peace thereof, shall, *Seven* Days at the least before the holding thereof, cause to be summoned a sufficient number of persons, being qualified and liable as aforesaid, to serve as Grand Jurors at such Sessions; and in Boroughs being counties as aforesaid, the Sheriff, and in other Boroughs the Clerk of the Peace and Registrar of the Court of Record respectively shall also cause to be summoned not less than *Thirty-six* nor more than *Sixty* Persons, so liable and qualified as aforesaid, to serve as Jurors at every such Sessions, and at the holding of every such Court of Record for the trial of causes; and such summons shall be made by showing to the person to be summoned, or in case he shall be absent from the usual place of his

Summoning of Jurors.

his abode, by leaving with some person therein inhabiting, a note in writing, under the hand of such Sheriff, Clerk of the Peace or Registrar respectively, containing the substance of such summons; and such Sheriff or Clerk of the Peace respectively shall make out a List of the Names of such Persons so summoned as Grand Jurors; and such Sheriff, Clerk of the Peace, or Registrar respectively shall also make out a Panel of such Persons so summoned other than Grand Jurors; and such List and Panel shall respectively contain therein the Christian Names and Surnames, Places of Abode, and Descriptions of the several Persons therein named; and if any Person having been duly summoned to attend on any Jury, shall not attend in pursuance of such summons, or, being thrice called, shall not answer to his name, or after his appearance wilfully withdraw himself from the presence of the Court, the Court shall impose such Fine upon every Person so making default (unless some reasonable excuse shall be proved to the satisfaction of the Court), as the Court shall think meet; and if any Person on whom such Fine shall be imposed shall refuse to pay the same to the Person who shall be authorized by the Court to receive the same, it shall be lawful for the Court then, or at its next sitting, by order of the Court, signed by the Clerk of the Peace or Registrar respectively, to cause to be levied, by distress and sale of the goods of the Person on whom such Fine shall have been imposed; every such Fine and the reasonable charges of such distress and sale; and every Fine so received shall be paid to the Treasurer of the Borough, to be by him carried to the Account of the Borough Fund hereinbefore mentioned: Provided nevertheless, That no person shall be summoned to serve as a Juror at such Sessions or Court of Record oftener than once in one year.

107. Justices, &c. exempt from serving on Juries.

And be it Enacted, That after the *passing of this Act*, every Justice assigned to keep the peace in said Borough, and every Officer of Police therein, and the Treasurer and Town Clerk for the time being of every such Borough, shall be exempt and disqualified from serving on any Jury summoned within such Borough respectively.

108. Court of Record, proceeding in.

Attachment.

And be it Enacted, That in all cases of debt or liquidated damages, in which the Plaintiff shall be desirous of proceeding in the Court of Record of any Borough by way of attachment of goods, the Plaintiff, or one of the Plaintiffs, or some person able to depose to the facts of his own knowledge, shall first make affidavit before the Recorder or the Mayor, (who is hereby empowered to take such or any other affidavits in the said Court) of the cause of action, and that the same has accrued within such Borough, or else, where the debt or damages do not exceed *Twenty* Pounds, that the Defendant, or one of the Defendants, is resident therein, (describing such Defendant by his name, addition and residence particularly), and that the Deponent is apprehensive that such debt or damages is or are in danger of being lost to the Plaintiff, unless aided by process of the said Court to attach the goods of the Defendant, and thereupon it shall be lawful for such Recorder or Mayor to issue an attachment, directed to the proper officer of the Court, to be appointed

appointed in that behalf as aforesaid, requiring him, according to the Form No. 1. in Schedule (F.) to this Act annexed, to attach the goods of the Defendant within the Borough; and thereupon such Officer is hereby authorized and required to seize such goods, and to detain the same until the Defendant shall have given special bail to pay such sums of money as may be adjudged to the Plaintiff in that suit; which bail may be taken either by the Recorder or by the Mayor of such Borough.

109. Foreign Attachment.

And be it Enacted, That in all Boroughs in which, by usage or charter, the goods, monies or credits of the Defendant may, by process of Foreign Attachment, be attached in the hands of a third person, such process by Foreign Attachment may be proceeded upon in the Court of Record of such Borough under this Act, with such rules of practice, and with the same powers and jurisdiction as belonged to the said Court at the time of the *passing of this Act:* Provided always, That no such Foreign Attachment shall be issued, unless a Common Attachment against the goods of the Defendant shall first have issued, and unless thereupon a further Affidavit shall be made as aforesaid, describing the goods, monies or credits sought to be attached in the hands of such third person, and stating that the same belong to the Defendant; and such third person, in case he claims a property in such goods, shall be permitted to give bail for the same in manner aforesaid.

110. Where the Proceedings shall be by Civil Bill.

And be it Enacted, That upon the appearance of the Defendant upon any such Common Attachment, and upon the appearance of the Garnishee upon any such Foreign Attachment, the Plaintiff, in all cases where the debt or damages do not exceed *Twenty* Pounds, shall proceed by way of Civil Bill thereupon, and not according to the course of the Common Law, by filing such Civil Bill in the said Court, and giving notice in writing of such filing, together with a copy of such Civil Bill, to the Party or his attorney in the proceeding.

111. Form of Proceeding,

And be it Enacted, That in all such cases, and in all other cases wherein the debt or damages do not exceed *Twenty* Pounds, and the Plaintiff shall elect to proceed by serviceable process only in such Court of Record, and in all cases of ejectment triable in such Court of Record, the proceeding shall be, as nearly as circumstances will admit, in the forms and according to the course and with such right of appeal to the Judge of Assize of the County in which such Borough, or any part thereof, shall be situate, as is by law provided in cases of Civil Bills determinable before the Assistant Barristers of counties in Ireland, and in cases where the Plaintiff shall proceed in such Court according to the course of the Common Law, and shall recover in debt or damages an amount not exceeding *Twenty* Pounds, such Plaintiff shall not recover any costs of suit.

112. Attornies in.

And be it Enacted, That any Attorney of any of the superior Courts of Record in Dublin shall be admissible to practice in the Court of Record of any such Borough, without payment of any fee or stamp duty

duty upon such his admission, and may continue to practise therein so long as he continues an Attorney of some of the superior Courts of Record aforesaid, and is in all other respects duly qualified to act and practise as such Attorney.

113. Court of Conscience.

AND whereas in several of the Boroughs in Ireland there have been Courts for the recovery of small debts in a summary way, commonly called Courts of Conscience; and such Courts, when well regulated, have been found useful to the poorer Inhabitants of the said Boroughs; and it is expedient to make new and further provisions for the establishment and regulation of such Courts in certain cases; BE it Enacted, That from and after the first election of the Council of any Borough after the *passing of this Act*, all the powers, authorities and jurisdictions of the then existing Court for the recovery of small debts, commonly called the Court of Conscience in such Borough, whether same shall have been established by usage, statute or otherwise, shall wholly cease and determine, save only as to the execution of any decrees or orders of the said Court, theretofore lawfully made, and that in every Borough in the said Schedules (A.) and (B.) to this Act annexed, in which there shall be a Recorder duly appointed for such Borough, according to the provisions herein contained, there shall be from and after the appointment of such Recorder, and from thenceforth in such Borough, before the Mayor of the said Borough, or the deputy of such Mayor, duly appointed by him by writing under his hand, with the consent of the Council of such Borough, signified by a resolution of such Council, duly convened for that purpose, a Court for the recovery of small debts, to be called the Court of Conscience of such Borough, and that the Mayor of the said Borough or his deputy for the time being, duly appointed, shall be the Judge or President of such Court, and shall have full power and authority to hear and determine in a summary way, causes in all small debts between party and party, not exceeding in amount the sum of *Forty* Shillings, where the cause of action shall have accrued within the said Borough, or the Defendant shall reside within the same.

114. Proceedings in.

And be it Enacted, That the said Court shall be held at such times and in such place within said Borough, as the Council of the said Borough shall direct and provide, and not otherwise; and that the proceedings in said Court shall be by summons, in the Form Number 2. specified in the Schedule (F.) to this Act annexed, stating the names of the Parties, plaintiff and defendant, the nature and amount of the debt, and the time and place when and where the Defendant is required to appear and answer the said claim; and such summons shall be served on the said Defendant personally, or in case of difficulty in effecting personal service arising from the acts or contrivance of said Defendant, by serving same in such manner as the President of the said Court shall direct; and in such case a copy of the order for such substitution of service, shall be served along with and in the same manner as the summons; and in all cases the summons shall be served in manner aforesaid, *Twenty-four* Hours, at the least, previously to the hearing of the cause, and

and in case the said Defendant shall appear, or if the Plaintiff shall prove by affidavit (which, and all other affidavits in the said Court, the said President is hereby empowered to take) the due service of the said summons, or summons and order as aforesaid, the President of the said Court shall proceed to hear the said cause, and the statement of the said party or parties, or their attorney or attornies, and all competent witnesses, and other legal evidence produced by them or either of them, and shall determine the same: Provided always, That it shall be lawful for either party to require the other to be examined upon oath touching the said claim, but that neither of the said parties shall be admitted by his own evidence, on oath or otherwise, to support his own case.

115. Order of.

And be it Enacted, That upon such evidence as shall be adduced, and the admissions of the said parties, if required to be examined as aforesaid, the said President shall decide upon the case, and shall make an order either for the payment of the sum claimed by the Plaintiff, or any part thereof, together with his costs of suit, according to a Table of Costs to be settled for said Courts in manner hereinafter provided, or for dismissing the said summons, and in such case to order the Plaintiff to pay to the Defendant his reasonable costs, according to the said Table, or may adjourn the cause to some other day, as justice may require; and every such order shall specify a time within which such payment of debt and costs, or of costs, as the case may be, shall be made, either by instalments or otherwise; and every order dismissing such summons shall be expressed therein, to be either "on the merits" or "without prejudice to any other proceeding for the said demand;" and in case the party against whom such order for the payment of the said debt and costs, or of such costs, shall be made, shall not pay the amount thereof, pursuant to the terms of said order, it shall be lawful for the President of the said Court, upon affidavit made of the service of a copy of such order, on such party personally, or at his dwelling-house, office or shop, or last known place of residence within the said Borough, and of the non-payment of any sum of money mentioned in such order pursuant to the terms thereof, to issue his warrant under his hand to levy the amount thereof by distress and sale of the goods of the said Party.

116. Appeal from.

And be it Enacted, That no rehearing of any cause shall be had in the said Court, except only in cases where the same shall have been dismissed "without prejudice to any other proceeding," as aforesaid: And that if any Party shall think himself aggrieved by any such order of the said Court, either for payment of the said debt and costs, or for dismissing his cause on the merits as aforesaid, it shall be lawful for such Party to Appeal therefrom to the Recorder of the said Borough: Provided, That in case of such Appeal, the Party so appealing shall give notice of such Appeal to the President of the said Court, and also to the opposite Party in said cause; and said Appeals may be forthwith proceeded upon before such Recorder at the Court of said Recorder, if then holden, or at the next or any subsequent Court of

such Recorder to be held within *Six* calendar Months from the time of the service of such order upon the Party so appealing; and such Recorder shall have full power and authority to proceed to hear such cause, and to rescind and vary or reverse or affirm said order, and in all or any of such cases to make such order, either for the payment of the said debt and costs, together with reasonable costs of such Appeal pursuant to the said Table of Costs, or for the payment of such costs only as aforesaid as justice shall require; and in case of non-payment of the sum or sums of money mentioned in such order, on like affidavit of the due service thereof in manner aforesaid, to issue his warrant under his hand to levy the amount thereof by distress and sale of the goods of the said Party, in the same manner as the said President of the said Court of Conscience is hereby authorized: Provided always, That such Notice of Appeal shall not operate to stay execution of any order or warrant of the said President of the said Court of Conscience, unless the Party appealing therefrom shall enter into a Bond to the Mayor of said Borough by himself and *Two* Sureties jointly and severally bound in *Double* the amount of the sums mentioned in such order, that such Party so appealing shall prosecute such Appeal with effect; and in case such order shall be affirmed in the whole or in part on such Appeal, to pay the sum mentioned in such order of affirmation, either for debt and costs or for costs: Provided always, That such Bond shall not be liable to any Stamp Duty.

117. Books of Proceedings to be provided and kept.

And be it Enacted, That the President of the said Court of Conscience, and the Recorder as Judge upon Appeals from the President or the Town Clerk under their orders respectively, shall make or cause to be made fair and regular entries in books, to be provided by the Town Clerk under the direction of the Council for that purpose, of all judgments, orders, directions, regulations, acts and proceedings of them the said President and Recorder respectively, in or relating to the execution of the several powers and authorities vested in them as judges in the first instance, and upon appeal in such Court as aforesaid, and shall respectively sign the same; and such entries when so signed shall be allowed in evidence in proof of the proceedings of such Court in all Courts whatsoever; and if any Person within the jurisdiction of the said Court, after having been duly served with a summons, to be issued by the Clerk thereof, and paid or tendered his reasonable expenses to attend and give evidence at a time and place in such summons mentioned, on behalf of any Plaintiff or Defendant, shall refuse or neglect to appear pursuant to such summons, due proof being made of the service of such summons, and no sufficient cause for his non-appearance being shown to the satisfaction of the Court upon affidavit, or if the Person so served with such summons shall appear and refuse to give evidence touching the matter in question, then and in every such case it shall be lawful for such President or Recorder, as the case may be, if satisfied upon affidavit that such Person not appearing was duly served with such summons, and was a material witness for the party on whose behalf he was so summoned,

summoned, or that such Person appearing and refusing to give evidence as aforesaid was a material witness for the Party on whose behalf he was called, to impose any Fine not exceeding *Fifty* Shillings on every such Person; and in case such Fine shall not be paid forthwith, such Fine may be levied by distress and sale of the goods of the offender, by warrant under the hand of such President or Recorder, as the case may be, rendering the overplus (if any), after deducting such Fine and the costs and charges of such distress, to the owner of the goods; and such Fine when levied shall be paid over to the Party on whose behalf such Person shall have been summoned or called upon to give evidence; and in case any Person shall be guilty of a Contempt of the said Court, it shall be lawful for such President or Recorder to direct that such offender be taken into custody, and any Officer of the Court, with or without the assistance of any other Person, may take such offender into custody accordingly; and the said President or Recorder shall then examine into such contempt, and ther upon his own view or upon oath of *One* or more other Persons, impose a Fine not exceeding *Fifty* Shillings for each offence on each offender; and if such Fine shall not be forthwith paid, such President or Recorder may commit the offender to any lawful prison within such Borough for any time not exceeding *Twenty* Days, or such Fine may be levied by distress and sale of the goods of the offender in manner aforesaid, and paid to the Treasurer of such Borough to the credit of the Borough Fund, and such offender may be detained in custody until the rising of the Court on the day of his offence, and for *One* Hour after.

118. Fees payable to the Clerk of the Peace, Clerk to the Magistrates, and Registrar and Officers of the Court of Record.

And be it Enacted, That the Council of every Borough shall and they are hereby required, within *Six* calendar Months next after their election, to make and settle a Table of the Fees which shall be taken by the Clerk of the Peace in those Boroughs in which a separate Court of Session of the Peace shall be holden, and in those Boroughs in which there shall be a Court of Record and a Court of Conscience, a Table of the Fees to be taken by the Registrar and Officers of such Courts; and such Tables of Fees shall be submitted to the Chief Justice and other Justices of His Majesty's Court of King's Bench in Ireland; and when such Tables of Fees shall be confirmed and allowed by such Chief Justice or other Justices, or any *Three* of them, either as such Table shall have been submitted to them, or with such alterations, additions or abatements as they shall think proper, the Fees therein mentioned may thenceforth by lawfully taken by the person therein named to be entitled thereunto; and it shall be lawful for the Council of such Borough, from time to time as occasion may require, to make new Tables of Fees, to be taken instead of the fees contained in the tables which shall have been made as aforesaid, which new Tables shall be confirmed and allowed in the manner hereinbefore mentioned, otherwise the same shall be of no validity; and that until Tables of the Fees so to be taken in any such Borough shall have been made and confirmed as aforesaid, it shall be lawful for such Clerk of the Peace at the Sessions for any such Borough, to take the fees authorized by the table for the time being to be taken

by the Clerk of the Peace at the Sessions for the County within or adjoining to which such Borough is situated, and for the Registrar and Officers of such Court of Record, or Court of Conscience, to take the fees usually taken by them before the *passing of this Act.*

119. Clerks to Justices to be entitled to Fees chargeable under Act 7 & 8 Geo. 4.

And be it Enacted, That in those Boroughs to which a Commission of the Peace shall have been granted, the Clerk to the Justices shall be entitled to such fees (and no other) as are chargeable by and under an Act passed in the seventh and eighth years of the reign of His late Majesty King GEORGE the Fourth, intituled, "An Act for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in Ireland," subject to such orders of the Justices as in that Act provided.

120. Table of Fees to be hung up.

And be it Enacted, That the Town Clerk of every Borough shall cause a true copy of the Tables of Fees in force for the time being to be hung up in a conspicuous part of the room in which the business of his office is transacted, and also in the room wherein the Justices of the Peace of such Borough shall sit for transacting their business, and also in the room wherein the Court of Sessions of the Peace for the Borough shall be held, and also in the Court of Record and Court of Conscience of the said Borough respectively.

121. Application of Penalties.

And be it Enacted, That when by any Act any penalties or forfeitures are or shall hereafter be made recoverable in a summary manner, before any Justice or Justices of the Peace, and by such Act respectively, the same are or shall be limited and made payable to His Majesty, or to any Body Corporate, or to any person whomsoever, save and except the informer, who shall sue for the same, or any party aggrieved, in every such case the same, if recovered and adjudged before any Justice of any Borough in which a separate Court of Sessions of the Peace shall be holden as aforesaid, shall, notwithstanding any thing in such Act respectively contained, be recovered for and adjudged to be paid to the Treasurer of such Borough for the time being, to the credit and on account of the Borough Fund of such Borough; and no such penalty or forfeiture, or share of such penatly or forfeiture, shall in any case be recovered by or adjudged to be paid to any other person than the said Treasurer, unless such person be the informer or the party aggrieved: Provided always, That nothing herein contained shall extend to any penalties or forfeitures recovered under any Act relating to the Customs, or to Trade or Navigation, and sued for by the direction of the Commissioners of His Majesty's Customs, which shall be paid to such person as the said Commissioners shall direct to receive the same.

122. Limitation of time for prosecution of offences punishable on summary conviction under this Act, and summon of offenders.

AND for the more effectual prosecution of offences punishable upon summary conviction by virtue of this Act; BE it Enacted, That the prosecution for every such offence shall be commenced within *Six* calendar Months after the commission of the offence, and not otherwise; and that where any person shall be charged, on the oath of a credible witness with any such offence before a Justice of the Peace, the Justice may

may summon the party charged to appear before any *Two* Justices of the Peace acting in and for the Borough in which such offence shall have been committed, at a time and place to be named in such summons; and if such party shall not appear accordingly, the Justices of the Peace then and there present (upon proof of the due service of the summons, by delivering a copy thereof to the party, or by delivering such copy at the party's usual place of abode to some inmate thereat, and explaining the purport thereof to such inmate,) may either proceed to hear and determine the case in the absence of the party, or may issue their warrant for apprehending and bringing such party before them, as they shall think proper.

123. Power to summon Witnesses. Penalty for disobedience of summons, &c.

And be it Enacted, That it shall be lawful for any Justice of the Peace acting in and for any Borough to issue his summons requiring any person to appear before any such Justices of the Peace for the purpose of giving evidence touching any offence against this Act; and if any person so summoned shall neglect or refuse to appear at the time and place appointed by such summons, and no reasonable excuse for his absence shall be proved before the Justices of the Peace then and there present, or if any person appearing in obedience to such summons shall refuse to be examined on oath touching any such offence by the Justices then and there present, every person so offending shall, on conviction thereof before the said Justices, or any other Justices of the Peace, forfeit and pay such sum of money, not exceeding *Five* Pounds, as to the convicting Justices shall seem meet; and no person, although liable to the Rate contributing to the Borough Fund of any Borough shall be deemed an incompetent witness in proof of any offence against this Act by reason of any penalty or forfeiture for such offence being applicable to the use of such Borough Fund; and no Justice of the Peace shall be disabled from acting in the execution of this Act by reason of his being liable to the Rate contributing to the Borough Fund of any Borough.

No Witness or Justice to be incompetent on the ground of rateability.

124. Payment of Penalties, and mode of levying the same.

And be it Enacted, That the Justices of the Peace by whom any Person shall be summarily convicted and adjudged to pay any sum of money for any offence against this Act, may adjudge that such Person shall pay the same either immediately or within such period as the said Justices shall think fit; and in case such sum of money shall not be paid at the time so appointed, the same shall be levied by distress and sale of the goods and chattels of the offender, with the reasonable charges of such distress; and for want of sufficient distress such offender shall be imprisoned, with or without hard labour, in the Common Gaol or House of Correction, as to the convicting Justices shall seem meet, for any term not exceeding *One* calendar Month where the sum to be paid shall not exceed *Five* Pounds, and for any term not exceeding *Two* calendar Months in any other case, the imprisonment to cease in each of the cases aforesaid upon payment of the sum due.

125. Form of Conviction.

And be it Enacted, That the Justices of the Peace before whom any Person shall be summarily convicted of any offence against this Act,

may cause the Conviction to be drawn up in the following form of words, or in any other words to the like effect, as the case may require; (that is to say)

"(to wit.) } BE it Remembered, That on the day of in the year of our Lord in the Borough of in the County of A. O. is convicted before us, J. P., and J. J. P., two of His Majesty's Justices of the Peace for the said County [or, Borough or otherwise, as the case may be], for that the said A. O. did [here specify the offence, and the time and place when and where the same was committed, as the case may be]; and we do adjudge that the said A. O. shall for the said offence forfeit the sum of and shall pay the same immediately, [or, shall pay the same on or before the day of] to the Treasurer, for the said Borough, to be by him applied according to the directions of the Statute in that case made and provided. Given under our hands the day and year first above mentioned."

126. Appeal against Convictions under this Act.

And be it Enacted, That any Person who shall think himself aggrieved by any summary conviction in pursuance of this Act may appeal to the next Court of General or Quarter Sessions of the Peace to be holden not less than *Twelve* Days after such conviction, for the County or for the Borough wherein the cause of complaint shall have arisen, provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within *Three* Days after such conviction, and *Seven* clear Days at the least before such Sessions, and shall also either remain in custody until the Sessions, or within such *Three* Days enter into a recognizance with a sufficient surety before a Justice of the Peace conditioned personally to appear at the said Sessions and to try such appeal, and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded; and upon such notice being given and such recognizance entered into, the Justice before whom the same shall be entered into shall liberate such person if in custody; and the Court at such Sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the Court shall seem meet; and in case of the dismissal of the appeal, or the affirmance of the conviction, shall order and adjudge the offender to be dealt with and punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

127. No Certiorari, &c.

And be it Enacted, That no conviction, order, warrant or other matter made, or purporting to be made, by virtue of this Act, shall be quashed for want of form, or be removed by certiorari, or otherwise, into any of His Majesty's Courts of Record at Dublin; and no warrant of commitment shall be held void by reason of any defect therein, provided that it be therein alleged that it is founded on a conviction, and there

there be a good and valid conviction to sustain the same; and where any distress shall be made for levying any money by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceedings relating thereto; nor shall the party distraining be deemed a trespasser ab initio on account of any irregularity afterwards committed by him, but the person aggrieved by such irregularity may recover full satisfaction for the special damage, if any, in an action upon the case.

As to informality in Warrants, &c.

128. Limitation in proceedings against persons acting under this Act.

AND for the protection of persons acting in the execution of this Act; BE it Enacted, That all Actions and Prosecutions to be commenced against any person for any thing done in pursuance of this Act shall be commenced within *Twelve* calendar Months after the fact committed, and not otherwise; and notice in writing of such Action, and of the cause thereof, shall be given to the defendant *One* calendar Month at least before the commencement of the Action; and in any such Action the defendant may plead the General Issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such Action brought, or if a sufficient sum of money shall have been paid into Court after such Action by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such Action after issue joined, or if upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases.

Notice of Action.

General Issue.

Tender of Amends, &c.

129. Periods connected with first Registration and Election may be deferred by Orders in Council.

AND whereas it may happen that the several provisions of this Act cannot be carried into effect within the several periods in the present year hereinbefore specified and limited in that behalf; BE it therefore Enacted, That it shall be lawful for the Lord Lieutenant of Ireland, if he shall think fit, by the advice of His Majesty's Privy Council there, to order any days and times for doing in this present year the several matters required or authorized by this Act to be done in lieu of the several days and times for the present year hereinbefore specified, or any of them; and in such case all matters mentioned in such order shall be done in this present year, on and within such days and times as shall be mentioned respectively in that behalf, in such order as if the days and times mentioned in such order had in every instance been mentioned in this Act, instead of the days and times hereinbefore respectively mentioned in that behalf, and not otherwise: Provided always, That nothing herein contained shall authorize the Lord Lieutenant to appoint any days or times other than are hereinbefore specified for any matters to be done after the expiration of this present year: Provided also, That no Person shall be entitled to be enrolled in the Burgess Roll of any Borough in this present year, unless he would have been entitled on the

last day of *August* in this year to have his name included in some Churchwarden's List, if such List had been made out on the said *last* day of *August*.

130. The King empowered to grant Charter of Incorporation.

AND whereas sundry Towns in Ireland, not named in the Schedules to this Act annexed, are not Towns Corporate, and it may be expedient that several of them should be incorporated; BE it Enacted, That if the Inhabitant Householders of any Town in Ireland shall petition His Majesty to grant to them a Charter of Incorporation, it shall be lawful for His Majesty, by any such Charter, if he shall think fit to grant the same, to extend to the Inhabitants of any such Town within the District to be set forth in such Charter, all or any of the powers and provisions in this Act contained: Provided nevertheless, That notice of every such petition, and of the time when it shall please His Majesty to order that the same be taken into consideration by His Privy Council, shall be published by Royal Proclamation in the Dublin Gazette *One* Month at least before such Petition shall be so considered.

131. Act may be altered this Session.

And be it Enacted, That this Act may be altered or amended by any Act to be passed in this present Session of Parliament.

SCHEDULES

SCHEDULES to which this ACT refers.

SCHEDULE (A.)

BOROUGHS which are to have a COMMISSION of the PEACE.

HOUSEHOLD FRANCHISE, TEN POUNDS.

SECTION 1.—PARLIAMENTARY BOUNDARIES to be taken.

BOROUGH.	COUNCILLORS.		STYLE OF CORPORATE BODY.
	Not less than	Not more than	
CORK - - -	54	60	The Mayor, Sheriffs and Commonalty of the City of Cork.
GALWAY - -	30	36	The Mayor, Sheriffs, Free Burgesses and Commonalty of the Town and County of the Town of Galway.
KILKENNY - -	24	30	The Mayor and Citizens of the City of Kilkenny. The Portreeve, Burgesses and Commons of the Borough or Town of Irishtown.
LIMERICK - -	48	54	The Mayor, Sheriffs and Citizens of the City of Limerick.
WATERFORD -	30	36	The Mayor, Sheriffs and Citizens of County of the City of Waterford, in the Kingdom of Ireland.

SECTION 2.—BOUNDARIES to be declared by the Lord Lieutenant and Privy Council. Parliamentary Boundaries to be taken in the mean time.

BOROUGH.	COUNCILLORS.		STYLE OF CORPORATE BODY.
	Not less than	Not more than	
BELFAST - -	48	54	The Sovereign, Free Burgesses and Commonalty of the Borough of Belfast.
DUBLIN - -	72	90	The Right honourable the Lord Mayor, Sheriffs, Commons and Citizens of the City of Dublin.

SCHEDULE (B.)

BOROUGHS which are to have a COMMISSION of the PEACE.

HOUSEHOLD FRANCHISE, FIVE POUNDS.

SECTION 1.—PARLIAMENTARY BOUNDARIES to be taken.

BOROUGH.	COUNCILLORS.		STYLE OF CORPORATE BODY.
	Not less than	Not more than	
CARRICKFERGUS	18	24	The Mayor, Sheriffs, Burgesses and Commonalty of the Town of Carrickfergus.
DROGHEDA - -	24	30	The Mayor, Sheriffs, Burgesses and Commonalty of the County of the Town of Drogheda.
NEWRY - -	24	30	
SLIGO - - -	24	30	The Provost, Free Burgesses and Commonalty of the Borough of Sligo.

SECTION 2.—BOUNDARIES to be declared by the Lord Lieutenant and Privy Council. Parliamentary Boundaries to be taken in the mean time.

BOROUGH.	COUNCILLORS.		STYLE OF CORPORATE BODY.
	Not less than	Not more than	
ARMAGH - -	18	24	The Sovereign, Free Burgesses and Commonalty of the Borough of Armagh.
BANDON - -	18	24	The Provost, Free Burgesses and Commonalty of the Borough of Bandon Bridge.
CARLOW - -	24	30	The Sovereign, Free Burgesses and Commonalty of the Borough of Catherlagh.
CLONMEL - -	24	30	The Mayor, Bailiffs, Free Burgesses and Commonalty of the Town or Borough of Clonmel.
DUNDALK - -	24	30	The Bailiff, Burgesses and Commonalty of the Borough of Dundalk.
DUNGARVAN -	18	24	
ENNIS - - -	18	24	The Provost, Free Burgesses and Commonalty of the Town of Ennis.
KINSALE - -	18	24	The Sovereign, Burgesses and Commonalty of the Town of Kinsale.
LONDONDERRY -	24	30	The Mayor, Commonalty and Citizens of Londonderry.
TRALEE - -	18	24	The Provost, Free Burgesses and Commonalty of the Borough of Tralee.
WEXFORD - -	24	30	The Mayor, Bailiffs, Free Burgesses and Commonalty of the Town or Borough of Wexford.
YOUGHAL - -	18	24	The Mayor, Bailiffs, Burgesses and Commonalty of the Town of Youghal.

SCHEDULE (C.)

BOROUGHS which are not to have a COMMISSION of the PEACE, unless on Petition and Grant.

HOUSEHOLD FRANCHISE, FIVE POUNDS.

SECTION 1.—PARLIAMENTARY BOUNDARIES to be taken.

BOROUGH.	COUNCILLORS.		STYLE OF CORPORATE BODY.
	Not less than	Not more than	
DOWNPATRICK -	12	18	

SECTION 2.—BOUNDARIES to be declared by the Lord Lieutenant and Privy Council. Parliamentary Boundaries to be taken in the mean time.

BOROUGH.	COUNCILLORS.		STYLE OF CORPORATE BODY.
	Not less than	Not more than	
ATHLONE - -	18	24	The Sovereign, Bailiffs, Burgesses and Freemen of the Town of Athlone.
CASHEL - -	18	24	The Mayor, Aldermen, Bailiffs, Citizens and Commons of the City of Cashel.
COLERAINE - -	18	24	The Mayor, Aldermen and Burgesses of the Town of Coleraine.
DUNGANNON -	12	18	The Provost, Free Burgesses and Commons of the Borough of Dungannon.
ENNISKILLEN -	18	24	The Portreeve, Free Burgesses and Commonalty of the Borough of Enniskillen.
LISBURNE - -	18	24	
MALLOW - -	18	24	
NEW ROSS - -	18	24	The Sovereign and Burgesses of New Ross.
PORTARLINGTON	12	18	The Sovereign, Bailiffs and Burgesses of the Borough and Town of Portarlington.

SCHEDULE (C.)—*continued.*

SECTION 3.—BOUNDARIES to be declared by the Lord Lieutenant and Privy Council. Ancient Boundaries to be taken in the mean time.

BOROUGH.	COUNCILLORS.		STYLE OF CORPORATE BODY.
	Not less than	Not more than	
ANTRIM	12	15	
ARDEE	12	18	The Portreeve, Burgesses and Commons of the Corporation of Atherdee.
ATHY	12	18	The Sovereigns, Bailiffs, Free Burgesses and Commonalty of the Borough of Athy.
BALLYSHANNON	12	18	The Portreeve, Free Burgesses and Commonalty of the Borough of Ballyshannon.
BANAGHER	12	15	The Sovereign, Burgesses and Free Commons of the Borough and Town of Bannacher, alias Bannagher.
BANGOR	12	15	The Provost, Free Burgesses and Commonalty of the Borough of Bangor.
BELTURBET	12	15	The Provost, Free Burgesses and Commonalty of the Borough of Belturbet.
BOYLE	12	18	The Borough Master, Free Burgesses and Commonalty of the Borough of Boyle.
CALLAN	18	24	The Sovereign, Burgesses and Freemen of Callan.
CASTLEBAR	18	24	The Portreeve, Free Burgesses and Commonalty of the Town of Castlebar.
CAVAN	12	15	The Sovereign, Portreeves, Burgesses and Freemen of the Town or Borough of Cavan.
CHARLEVILLE	12	18	The Sovereign, Bailiffs and Burgesses of the Borough of Charleville.
CLOGHNAKILTY	12	18	The Sovereign, Free Burgesses and Commonalty of the Borough of Cloghnakilty.
DINGLE	12	18	The Sovereign, Burgesses and Commonalty of the Town of Dingle-i-couch.
ENNISCORTHY	18	24	The Portreeve, Free Burgesses and Commonalty of the Borough of Enniscorthy.
FEATHARD	12	18	The Sovereign, Chief Burgesses, Portreeve and Freemen of the Town of Fitherd.
GOREY	12	18	The Sovereign, Burgesses and Free Commons of the Borough and Town of Newborough.
GRANARD	12	15	
KELLS	12	18	The Sovereign, Provosts, Burgesses, and Commonalty of the Borough of Kells.
LONGFORD	12	18	The Sovereign, Bailiffs and Burgesses of the Borough of Longford.
LYMAVADY	12	15	The Provost, Free Burgesses and Commonalty of the Borough of Lymavady.
MARYBOROUGH	12	18	The Burgomaster, Bailiffs, Burgesses and Commonalty of Maryborough.

SCHEDULE (C.)—SECTION 3.—*continued.*

BOROUGH.	COUNCILLORS. Not less than	COUNCILLORS. Not more than	STYLE OF CORPORATE BODY.
MIDDLETON -	12	15	The Sovereign, Bailiffs and Burgesses of the Borough and Town of Middleton.
MONAGHAN - -	12	18	The Provost, Free Burgesses and Commonalty of the Borough of Monaghan.
MULLINGAR -	12	18	
NAAS - - -	12	18	The Sovereign, Provost, Burgesses and Commonalty of Naas.
NAVAN - - -	12	18	The Portreeve, Burgesses and Freemen of the Town or Borough of Navan.
NEWTOWNARDS -	12	18	The Provost, Free Burgesses and Commonalty of the Borough of Newtownards.
ROSCOMMON -	12	18	The Provost, Free Burgesses and Commonalty of the Borough of Roscommon.
STRABANE - -	12	18	The
THOMASTOWN -	12	15	The Sovereign, Provost and Burgesses of the Town of Thomastown.
TRIM - - -	12	18	The Portreeve, Burgesses and Freemen of Trim.
TUAM - - -	18	24	The Sovereign, Free Burgesses and Commonalty of the Borough of Tuam.
WICKLOW - -	12	15	The Portreeve, Free Burgesses and Commonalty of the Borough of Wicklow.

SCHEDULE (D.)

No. 1.

THE LIST OF BURGESSES of the Borough of
[or, in the Parish or Precinct, or Ward of in the
Borough of .]

Christian Name and Surname of each Person at full length.	Street, Lane or other Place in this Borough, [or, Parish, Precinct or Ward in this Borough], where the Property in respect whereof the Party is to be enrolled, is situate.
Andrews, Peter - - -	No. 1, Green-street.
Brady, Thomas - - -	No. 3, White's Lane.

Dated the day of in the year

(signed) A. B.
Churchwarden of the said Parish [or, Town Clerk of the said Borough, or Alderman of the said Ward, &c.]

No. 2.

NOTICE OF CLAIM.

To the Town Clerk of the Borough of .

I HEREBY give you Notice, That I claim to have my Name enrolled in the Burgess Roll of the Borough of , and that I occupy [here describe the House, Warehouse, Counting-house or Shop then occupied by the Claimant,] in the said Borough, of the full yearly value of Pounds or upwards, and that I have occupied the said Premises, [or, the said Premises or other Premises, describing such other Premises, within the said Borough,] for the space of last past.

Dated the day of in the year

(signed) HENRY STILES.

No. 3.

NATURE OF OBJECTION.

To the Town Clerk of the Borough of

I HEREBY give you Notice, That I object to the name of Thomas Brady, of White's-lane, in this Borough, [describe the Person objected to as described in the List of the Churchwardens, Town Clerk or Alderman of the Ward, &c.] being retained on the Burgess Roll of the Borough of

Dated the day of in the year

(signed) MICHAEL MEARES, of [here state the place of Abode and Property, in respect of which he is said to be entitled to be enrolled, in the List of the Churchwardens, Town Clerk or Alderman of the Ward, &c.]

No. 4.

LIST OF CLAIMANTS.

THE following Persons claim to have their Names inserted on the Burgess Roll of the Borough of

Christian Name and Surname of each Claimant.	Present Occupancy.	Former Occupancy, as stated in the Claim.
Henry Stiles - - - -	House No. 10, Capel-street.	-- Shop, No. 17, Henry-street, during the last month, and House, No. 6, Aston's Quay, during the five preceding months.

Dated the day of in the year

(signed) A. B. Town Clerk.

No. 5.

LIST OF PERSONS OBJECTED TO.

THE following Persons have been objected to as not being entitled to have their Names retained on the Burgess Roll of the Borough of

Christian Name and Surname of each Person objected to.	Property in respect of which he is said to be entitled to be enrolled in the List of the Churchwardens, Town Clerk or Alderman of the Ward, &c.
Thomas Brady - - - - -	No. 3, White's Lane.

Dated the day of in the year

(signed) A. B. Town Clerk.

SCHEDULE (E.)

BELFAST - - -	- - An Act for paving, cleansing, and lighting and improving the several Streets, Squares, Lanes and Passages, within the Town of Belfast, in the County of Antrim, and for removing and preventing all Encroachments, Obstructions and Annoyances therein; and also for establishing and maintaining a Nightly Watch throughout the said Town and Precincts thereof, and for other purposes. [40 Geo. 3, c. 37.]
	An Act to explain and amend an Act of His present Majesty, for paving, cleansing, lighting and otherwise improving the Town of Belfast, in the County of Antrim, and for better effecting those purposes. [56 Geo. 3, c. 57.]
CORK - - - - -	- - An Act for the Regulation of the City of Cork, and for other purposes therein mentioned, relative to the said City. [12 Geo. 3, c. 18.]
	An Act for the better Regulation of the Police of the City of Cork, and for other purposes relative to the said City. [17 & 18 Geo. 3, c. 38.]
	An Act for the more equal Assessment of Money presented to be raised by the Grand Jury of the County of the City of Cork, and for a new Valuation of the said City, and Survey of the Liberties thereof; and for other purposes relative to Grand Juries. [53 Geo. 3, c. 111.]
	An Act to explain and amend an Act of His present Majesty, for the more equal Assessment of Money presented to be raised by the Grand Jury of the County of the City of Cork, and for a new Valuation of the said City, and Survey of the Liberties thereof; and for other purposes relative to Grand Juries. [55 Geo. 3, c. 82.]
DROGHEDA - -	- - An Act for the better regulating the Parish Watches, and amending the Highways in this Kingdom, and for preventing the misapplication of Public Money. [6 Geo. 1, c. 10.]
	An Act for continuing and amending an Act, intituled, "An Act for the better regulating the Parish Watches, and amending the Highways in this Kingdom, and for preventing the misapplication of Public Money;" and also for establishing a regular Watch in the City of Dublin, and to prevent Mischiefs which may happen by graving Ships in the River Liffey. [10 Geo. 1, c. 3.]

(*continued.*)

DROGHEDA—*continued.*	--An Act for continuing and amending an Act, intituled, "An Act for the better regulating the Parish Watches, and amending Highways in this Kingdom, and for preventing the misapplication of Public Money; and also for establishing a regular Watch in the City of Dublin, and to prevent Mischief which may happen by graving in the River Liffey;" and also for regulating the Watch in the Town of Drogheda. [5 Geo. 3, c. 22.]
LIMERICK - -	--An Act for paving, cleansing, lighting and watching the Parish of Saint Michael, in the Liberties of the City of Limerick, and adjoining the said City, and for preventing and removing Nuisances therein. [47 Geo. 3, Sess. 2, c. 75.]
	An Act for altering and enlarging the powers of an Act of His present Majesty, for paving, cleansing, lighting and watching the Parish of Saint Michael, in the Liberties of the City of Limerick, and adjoining the said City, and for preventing and removing Nuisances therein. [51 Geo. 3, c. 104.]
LONDONDERRY	--An Act for building a Bridge over the River Lough Foyle, at the City of Londonderry, and the Suburbs thereof, and for certain Regulations relative to said City. [30 Geo. 3, c. 31.]
	An Act for amending an Act passed in the thirtieth year of his Majesty's reign, intituled, "An Act for building a Bridge over Lough Foyle, at the City of Londonderry, and the Suburbs thereof, and for certain Regulations relative to said City. [40 Geo. 3, c. 41.]
	An Act to amend two Acts, so far as relate to supplying the City of Londonderry with Water, improving the Harbour of the said City, and the Regulation of Pilots and Vessels using the same; and for extending the Jurisdiction of the Court held in the said City for the recovery of Small Debts. [48 Geo. 3, c. 136.]
	An Act for rebuilding or repairing across the River Foyle or Lough Foyle at Londonderry; for enabling the Corporation of that City to raise Money for that purpose; to authorize the advance of a certain Sum of Money out of the Consolidated Fund of Ireland; and for regulating the Fairs and Markets, and improving the Race Course there. [54 Geo. 3, c. 230.]
	An Act to amend an Act of the thirtieth year of his late Majesty, for lighting and improving the City of Londonderry. [5 Geo. 4, c. 152.]
	An Act to amend several Acts relating to the City of Londonderry. [6 Geo. 4, c. 180.]
	An Act to make more effectual Provisions for lighting, cleansing and watching the City of Londonderry, and to amend several Acts relating to the said City. [2 & 3 Will. 4, c. 107.]
SLIGO - - - - -	--An Act for repealing so much of an Act made in the third year of the reign of King George the Second, intituled, "An Act for cleansing the Ports, Harbours and Rivers of the City of Cork, and of the Towns of Galway, Sligo, Drogheda and Belfast, and for erecting a Ballast Office in the said City, and each of the said Towns, as relates to the Port and Harbour of the Town of Sligo;" and for repealing an Act made in the fortieth year of the reign of His present Majesty, intituled, "An Act for paving, cleansing, lighting and improving the Streets, Quays, Lanes and Passages, in the Town of Sligo, in the County of Sligo; for establishing a Nightly Watch in the said Town; for supplying the said Town with Pipe Water; and for improving and regulating the Port and Harbour thereof; and for making better Provision for the paving, lighting, watching, cleansing and improving of the said Town of Sligo; and for regulating the Porters and Carmen employed therein; and for the better Regulation and Improvement of the Port and Harbour thereof." [43 Geo. 3, c. 60.]
WATERFORD -	--An Act for better regulating the Police of the City of Waterford. [23 & 24 Geo. 3, c. 52.]

SCHEDULE (F.)

No. 1.

FORM of PROCESS of ATTACHMENT of GOODS in COURT of RECORD.

Borough of L. to wit.
A. B. of, &c. in, &c. [Name, Residence and Addition of Plaintiff.] Plaintiff.
C. D. of, &c. in, &c. [Name, Residence and Addition of Defendant.] Defendant.

ATTACH the Defendant by his Goods and Chattels, if found within the jurisdiction of this Court, so that he be before the Recorder of the said Borough at on day, the day of next after the date hereof, to answer the Plaintiff's Suit in an Action for the Sum of [here insert the amount of the Demand,] for [here insert the cause of Action], and have you then there this Writ.

Dated this day of 18

G. H. Registrar.

To_____

No. 2.

FORM OF SUMMONS in COURT of CONSCIENCE.

Borough of L. to wit.
A. B. of, &c. in, &c. [Name, Residence and Addition of Plaintiff] Plaintiff.
C. D. of, &c. in, &c. [Name, Residence and Addition of Defendant.] Defendant.

BY the President of the Court of Conscience for the said Borough: The Defendant is hereby required personally to appear before the said President at on day, the day of next after the date hereof, to answer the Plaintiff's Suit for the Sum of [here insert the amount of the Debt], for [here insert the particulars of the Demand]: on default thereof, the said President will proceed as to justice shall appertain.

Dated this day of 18

Signed on behalf of the Plaintiff,

6 WILL. IV.—Sess. 1835.

A

B I L L

To provide for the Regulation of Municipal Corporations and Borough Towns in Ireland.

(Prepared and brought in by
Mr. Attorney-General for Ireland, Lord John Russell, Lord Viscount Morpeth, and Mr. Solicitor-General for Ireland.)

Ordered, by The House of Commons, *to be Printed,*
31 *July* 1835.

27 *May* 1835.

A

B I L L

For enabling Prisoners to make their Defence by Counsel or Attorney.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS it is just and reasonable that Persons accused of Offences against the Law, should be enabled to make their full Answer and Defence to all that is alleged against them; BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *passing of this Act*, all Persons tried for Felonies shall be admitted, after the close of the case for the Prosecution, to make full Answer and Defence thereto by Counsel learned in the Law. Preamble.

1. In cases of Felony, Counsel may speak for the accused.

And be it further Enacted, That in all such cases of Felony (and likewise in all cases of Treason, Misprision of Treason and Misdemeanor), if, after the close of the case for the Person or Persons accused, the Counsel for the Prosecution shall make any reply, the Counsel for the Person or Persons accused shall be admitted to answer it.

2. If Counsel for Prosecution replies, Counsel for the accused may answer.

And be it further Enacted, That on all Trials for Felony or Misdemeanor, if the Person or Persons accused be without the means of retaining Counsel, they may request the Judge or presiding Officer of the Court before whom the Trial shall be had, to assign Counsel to defend them; and such Judge or presiding Officer shall, with the consent of such Counsel, assign him or them to conduct the Defence of the Person or Persons accused, without fee or reward.

3. In case of inability of Prisoners to retain Counsel, the Court may assign Counsel without Fee or Reward.

4. Persons accused before Justices may defend by Attorney, as well as by Counsel.

And be it further Enacted, That all Persons accused before any Justice or Justices of the Peace of any Offence against the Law, shall be admitted to make their Answer and Defence to such accusation, and to have any Witnesses examined or cross-examined by Counsel or by Attorney attending on their behalf.

5. Act may be amended.

And be it further Enacted, That this Act may be amended, altered or repealed by any Act or Acts to be passed in this present Session of Parliament.

5 WILL. IV.—Sess. 1835.

A

B I L L

For enabling Prisoners to make their Defence by Counsel or Attorney.

(*Prepared and brought in by Mr. Ewart and Mr. Charles Buller.*)

Ordered, by The House of Commons, *to be Printed,*
27 *May* 1835.

22 *May* 1835.

A

B I L L

To regulate the Office of and Mode of electing County Coroners.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS the regulations for the Elections of Coroners for Counties are insufficient: And whereas such Elections are made with much riot and confusion, and are attended with great and unnecessary expense: And whereas, for remedy of such grievances, it is expedient that an alteration should be made in the manner of making such Elections: And whereas the allowances granted to Coroners are inadequate to the trouble and expense attendant upon the execution of their office; Preamble.

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT an Act passed in the twenty-fifth year of the reign of his late Majesty King GEORGE the Second, intituled, "An Act for giving a proper Reward to Coroners for the due Execution of their Office, and for the Amoval of Coroners upon a lawful Conviction for certain Misdemeanors," and also an Act passed in the fifty-eighth year of the reign of his late Majesty King GEORGE the Third, intituled, "An Act to regulate the Elections of Coroners for Counties," shall, from and after the *Thirty-first* day of *December One thousand eight hundred and Thirty-five*, be Repealed. 1. 25 G. 2. c. 29. and 58 G. 3. c.95, Repealed.

And be it Enacted, That this Act shall, so far as regards the Election of County Coroners, and the alteration of the Fees hereinafter made, commence and take effect on the *First* day of *January One thousand eight hundred and Thirty-six.* 2. Commencement of this Act.

3. Justices at Sessions to divide their Counties into convenient Districts.

And be it Enacted, That the Justices of the Peace, assembled in their respective Counties, Ridings or Divisions, shall, in some one of their general or adjourned Quarter Sessions which shall be holden after the *passing of this Act*, and before the said *First* day of *January*, divide their respective Counties, Ridings or Divisions into such convenient Districts as to a majority of such Justices in such Sessions assembled shall seem best calculated to carry the purposes of this Act into effect, according to the Number of County Coroners in each County, Riding or Division respectively, and with a due regard to the extent of the Population, to the hazardous nature of the prevailing employments in the respective parts of such County, Riding or Division, and to the size of such Districts; and that they shall also affix to each of such Districts the Name of some principal or convenient Parish, Township or Place within the same.

4. Appointment of present Coroners to Districts; Election of future Coroners.

And be it Enacted, That the said Justices, so assembled as aforesaid, shall appoint one of the Coroners of their respective Counties, Ridings or Divisions to be the Coroner of and for each of the Districts to be formed under the authority of this Act; and upon the death or removal of any such Coroner so appointed as last aforesaid, his successor shall be elected to the Office of County Coroner, and exercise the said office according to the provision of this Act: Provided always, That nothing in this Act contained shall extend, or be construed to extend, to affect the residence of any County Coroner who shall have been elected previously to the passing of this Act, although such Residence may not be within the District to which he may be appointed by virtue of this Act.

Proviso as to Residence of present Coroners.

5. List of Places in each District to be made.

And be it Enacted, That such Justices, so assembled as aforesaid, shall order a List to be prepared by the Clerk of the Peace for their respective Counties, Ridings or Divisions of the several Parishes, Townships or Hundreds, as the case may be, in each and every of the several Districts into which the respective Counties, Ridings or Divisions shall be divided under the authority of this Act, and shall cause such order to be inrolled.

6. Coroners to be paid 20*s.* for each Inquest, and 1*s.* 6*d.* per Mile for travelling Expenses.

And be it further Enacted, That upon every Inquisition which shall be duly taken in England and Wales by any Coroner or Coroners in any Township or Place contributory to the County Rates directed by any Statute now in force touching the assessing, levying and collecting County Rates, such Coroner or Coroners shall be paid the sum of *Twenty* Shillings; and for every Mile which such Coroner or Coroners shall be compelled to travel from the usual place of his or their abode to take any Inquisition, the further sum of *One Shilling and Sixpence* over and above the Fees and Allowances herein-

before

before granted, shall be paid to him or them out of any Monies arising from the Rates before mentioned, by order of the Justices of the Peace, in their General or Quarter Sessions assembled, for the County, Riding or Division where such Inquisition shall have been taken, or the major part of them, which order the said Justices so assembled, or the major part of them, are hereby authorized and directed to make, for which order no Fee or Reward shall be paid to the Clerk of the Peace, or any other officer.

7. The above-mentioned Fees and Charges to be allowed to Coroners acting out of their own Districts.

And be it Enacted, That all Coroners to be elected under the authority of this Act shall be entitled to receive the above-mentioned Fees and Charges for all Inquests taken out of their respective Districts for which they shall have been chosen to act as Coroners, whenever such Coroners shall have been duly called upon to hold such Inquests, and shall have holden the same, during the absence or illness of the Coroner for the District in which such Inquest shall have sat, or for other good and sufficient cause shown: Provided always, That no charges shall be allowed to any Coroner to be elected under the authority of this Act for any expenses of travelling for the purpose of acting as Coroner within the District for which he shall have been elected to act, except for such number of miles as he shall have travelled within the same, unless the nearest way to the place where the Inquest shall be holden from the other part of his District be across any other County or District.

Proviso as to Travelling Expenses.

8. Elections to be held in the District;

And be it Enacted, That from and after the said *First* day of *January*, upon the death or removal of any Coroner of any District formed under the authority of this Act, the Election of a new Coroner to such District shall be held at some place within the District in which he is to serve the office of Coroner; and that every Person to be so elected shall be chosen by a majority of such Persons residing within such District as shall at the time of such Election be duly qualified to vote at the Elections of Knights of the Shire for the County, Riding or Division wherein such District is situate: Provided always, That nothing in this Act contained shall extend, or be construed to extend, to deprive of the right of voting, at any Election of a Coroner as aforesaid, any Peer of the Realm, or any Person employed in the collection or management of His Majesty's Revenues, or holding any office under the Crown, if such Peer or Person, being resident as aforesaid, shall possess such an estate or interest in any lands or tenements as would have entitled him, if not subject to any legal incapacity, to be registered and to vote at the Elections of Knights of the Shire for the County, Riding or Division wherein such District is situate: Provided also, That no such Peer shall be called upon to take the oath required by this Act.

who to elect.

Act not to deprive any Peer, &c. of the right of Voting.

9. Coroners may compel Attendance of Jurors.

AND whereas great difficulty and delay is frequently occasioned by the non-attendance of Jurors summoned to attend the Coroner on

on taking an Inquest, and there is no mode pointed out by law which compels the attendance of such Jurors; BE it therefore Enacted, That if any Person having been duly summoned by any of the Constables of the Parish, Township or Place in which such Person shall reside, and returned by him to any Coroner to serve as a Juror in any County, Riding or Division in England or Wales, upon any Coroner's Inquest or Inquiry before any such Coroner, shall not, after being openly called Three times, appear and serve as such Juror on such Inquest or Inquiry, every such Coroner is hereby authorized and empowered to impose such Fine upon every Person so making default as he shall think fit, not exceeding *Forty Shillings*; and every such Coroner shall make out and sign a Certificate, containing the christian and surname, the residence and trade or calling of every such Person so making default, together with the amount of the Fine imposed, and the cause of such Fine, and shall transmit such Certificate to the Clerk of the Peace for the County, Riding, Division or Place in which such defaulter shall reside, on or before the first day of the Quarter Sessions next ensuing; and every such Clerk of the Peace is hereby required to copy the Fine or Fines so certified on the roll on which all Fines and Forfeitures imposed at such Quarter Sessions shall be copied, and the same shall be estreated, levied and applied in like manner, and subject to the like powers, provisions and penalties, in all respects, as if such Fine or Fines had been part of the Fines imposed at such Quarter Sessions, unless some reasonable excuse shall be verified upon oath or by affidavit, to the satisfaction of the Magistrates assembled at such Quarter Sessions.

10. Coroners authorized to issue Special Warrant for Jurors, under 6 G. 4. c. 50.

And be it Enacted, That it shall and may be lawful to and for any Coroner, when he shall consider it necessary and expedient so to do, to issue a special Warrant to the Constable of any Parish, Township or Place within the District in which he shall have the power to act, commanding and requiring such Constable to summon and return upon any Inquisition to be by him held such Jurors only as are qualified by law to serve as Jurors in and for such Parish, Township or Place under and by virtue of an Act passed in the sixth year of the reign of his late Majesty GEORGE the Fourth, intituled, "An Act for consolidating and amending the Laws relative to Jurors and Juries," and whose names shall or may be then included in the List for the time being required by the said Act to be annually prepared and made out for the general purposes mentioned in the said Act; and every such Constable is hereby commanded and required to act in obedience to such special Warrant accordingly.

11. Coroner's Inquest to be an open Court.

And be it Enacted, That every Inquest to be held before any Coroner upon the body of any person shall be deemed to be an open Court, and the evidence of the Witnesses, and the charge and direc-

tion

tion of the Coroner shall be delivered in, and all the proceedings shall be carried on in open Court, save the deliberation of the Jury (if they themselves think fit to retire, or to require Witnesses and others to retire during such their deliberation), but nothing herein contained shall extend, or be construed to extend, to limit or control the power and authority of the Coroner to preserve order in the said Court, or to order all persons to retire from the said Court when, in the judgment of the said Coroner, the ends of public justice may require the exclusion of such persons from the said Court: Provided, That in all cases where the Coroner shall make use of such authority, he shall, as soon as may be after such exclusion, report the same to the Lord Chief Justice of His Majesty's Court of King's Bench, and also to His Majesty's Secretary of State for the Home Department, together with a statement of the circumstances which induced the said Coroner to require such exclusion.

12. Surgeons and other Medical Men to be remunerated when called as Witnesses, in certain cases.

AND whereas at the taking of Inquisitions on the bodies of persons lying dead, it is frequently necessary, for the more satisfactory explanation of the cause of the death of such persons, that a post mortem examination of such bodies, or of some part thereof, should be made by some Surgeon or other person of the Medical Profession, and his evidence given on such examination: AND whereas there is at present no remuneration provided for such Surgeon or other person, whereby great difficulty exists in procuring such post mortem examination to be made; BE it therefore Enacted, That in every case where the assistance of any such Surgeon or other person for the purpose of such post mortem examination, and his evidence thereon, shall be thought necessary and required by the Coroner and Jury, the Constable of the Parish or Place in which such Inquest shall be held shall, on the direction of the Coroner, pay to every such person, if he shall require it, a reasonable Fee (such Fee in no case to exceed the sum of *One* Pound), before he shall be called upon to give his evidence; and such sum so paid by the said Constable shall be reimbursed to him out of the Funds provided for the Relief of the Poor of such parish: Provided always, That such remuneration shall not be given to any such person where he shall be called upon only to give evidence as the medical attendant of such deceased person during his lifetime or at the time of his death.

13. Sheriff to hold a Special County Court for Election of Coroner.

And be it Enacted, That from and after the said *First* day of *January* upon every Election to be made of any Coroner or Coroners for any County in England or Wales, the Sheriff of the County where such Election shall be made shall hold a Court for the same Election, at some convenient place within the District for which the Election of Coroner shall take place, on some day to be

by him appointed, which day shall not be less than *Seven* Days, nor more than *Fourteen* Days, after the receipt of the Writ de Coronatore eligendo; and in case the said Election be not then determined upon the view, with the consent of the electors there present, but that a Poll shall be demanded for determination thereof, then the said Sheriff, or in his absence his Under Sheriff, shall adjourn the same Court to *Eight* of the clock in the forenoon of the next day but two, unless such next day but two shall be Saturday or Sunday, and then of the Monday following; and the said Sheriff, or in his absence the Under Sheriff, with such others as shall be deputed by him, shall then and there proceed to take the said Poll in some public place or places by the same Sheriff, or his Under Sheriff as aforesaid in his absence, or others, appointed for the taking thereof as aforesaid; and such polling shall continue for *One* Day only, that is to say, for *Eight* Hours; and no Poll shall be kept open later than *Four* of the clock in the afternoon of the said day.

If Election not determined on the View, then to proceed to take a Poll.

Duration of Poll.

14. AND for the more due and orderly proceeding in the said Poll; BE it Enacted, That the said Sheriff, or in his absence the Under Sheriff, or such as he shall depute, shall appoint such number of Clerks as to him shall seem meet and convenient for the taking thereof, which Clerks shall take the said Poll in the presence of the said Sheriff or his Under Sheriff, or such as he shall depute; and before they begin to take the said Poll, every Clerk so appointed shall by the said Sheriff or his Under Sheriff, or such as he shall depute as aforesaid, be sworn truly and indifferently to take the same Poll, and to set down the names of each Elector and the place of his residence, and for whom he shall poll, and to poll no Elector who is not sworn, if required to be sworn by the Candidates, or either of them, and which oaths of the said Clerks the said Sheriff or his Under Sheriff, or such as he shall depute, are hereby empowered to administer; and the Sheriff, or in his absence his Under Sheriff as aforesaid, shall appoint for each Candidate such one person as shall be nominated to him by each candidate to be Inspector of every Clerk who shall be appointed for taking the Poll; and every Elector, before he is admitted to poll at the same Election, shall, if required by the Candidates, or any or either of them, first take the oath hereinafter mentioned, which oath the said Sheriff, by himself or his Under Sheriff, or such sworn Clerk by him appointed for taking the said Poll as aforesaid, is hereby authorized to administer; videlicet,

14. Poll Clerks to be appointed and sworn.

Inspector of Poll Clerk.

Electors to be sworn.

Oath.

" You swear [or, being one of the people called Quakers, you solemnly affirm], That you reside in the Parish of in the County of and that you are, to the best of your knowledge and belief, at this time fully qualified

qualified to vote at an Election of a Coroner for this district, and that you have not been before polled at this Election.

" So help you GOD."

15. Punishment for Perjury.

And be it further Enacted, That in case any Elector or other person taking the said oath or affirmation hereby appointed to be taken by him as aforesaid, shall thereby commit wilful or corrupt Perjury, and shall be thereof convicted, or if any Person shall unlawfully or corruptly procure or suborn any Freeholder or other person to take the said oath or affirmation, in order to be polled, whereby he shall commit such wilful and corrupt Perjury, and shall be thereof convicted, he and they shall for every such offence incur such pains and penalties as are by law inflicted on persons guilty of *Perjury* or *Subornation of Perjury.*

16. Expenses of Sheriff, &c. to be paid by the Candidates.

And be it further Enacted, That all the reasonable Costs, Charges and Expenses which the said Sheriff, or his Under Sheriff, or other Deputy, shall expend or be liable to in and about the providing of Poll Books, Booths and Clerks (such Clerk to be paid not exceeding *One* Guinea each per diem), for the purpose of taking the Poll at any such Election, shall be borne, sustained and paid by the several Candidates at such Election in equal proportions.

17. Coroner incapacitated from acting professionally in Prosecutions where he shall have sat as Coroner in the same case.

And be it Enacted, That from and after the passing of this Act, in all cases in which any person shall be charged by any Coroner's Inquisition with the commission of any crime, and shall be subsequently put upon his trial, either on such Inquisition or in pursuance of any Bill of Indictment found for the same, the Coroner before whom such Inquisition shall have been found shall be wholly incompetent to act professionally in prosecution or defence of such person for such crime (directly or indirectly); and that in all cases in which it shall appear to the Judge before whom such person shall be tried, that any Coroner shall have so acted contrary to the provision and intention of this Act, such Judge is hereby authorized and required to impose upon every Coroner so offending such penalty, not exceeding *Fifty* Pounds as the said Judge shall in his discretion think fit; and that such Coroner so deprived of being engaged or employed, and being compelled to attend the trial in such cases, shall be allowed for each day's attendance in such manner as if he was a witness in any trial.

18. Coroners may hold Inquests in that Jurisdiction where the Body is first found dead.

AND whereas it frequently happens that it is unknown in what County, City, Liberty or other Division persons lying dead have come by their death, and doubts arise as to the proper place in which the Inquest on such bodies should sit; BE it therefore Enacted, That it shall and may be lawful to and for any Coroner (such Coroner acting within his own jurisdiction within the meaning

of this Act), to take Inquest on the body of any person who shall or may by law be subject to such Inquest in any such County, Riding or Division where such body shall be lying dead, notwithstanding such person did not die within such County, Riding or Division: Provided always, That in the case of any body found dead and floating in the Sea, or any Creek, River or navigable Canal, the Inquest shall be taken by such Coroner as aforesaid in the County, Riding or Division to the land of which it shall be first brought.

19. Coroner taking more than his Fees, guilty of Extortion.

And be it further Enacted, That no Coroner to whom any benefit is given by this Act shall, by colour of his office, or upon any pretext whatsoever, take for his office doing in case of the death of any person any fee or reward other than the fee of *Thirteen Shillings and Four-pence* of the goods of the slayer or murderer, or otherwise under an Act passed in the third year of the reign of King HENRY the Seventh, and other than the recompence by this Act limited and appointed, upon pain of being deemed guilty of *Extortion*.

20. Coroner may be amoved if convicted of Misdemeanor in his Office.

And be it further Enacted, That if any Coroner appointed or elected under this Act, or otherwise howsoever, shall, from and after the said *First* day of *January* be lawfully convicted of extortion or wilful neglect of his duty, or misdemeanor in his office, it shall be lawful for the Court before whom he shall be so convicted to adjudge that he shall be amoved from his office; and thereupon if such Coroner shall have been appointed or elected under the authority of this Act, a Writ shall issue for the amoving him from his office, and electing another Coroner in his stead, in such manner as Writs for the amoval or discharge of Coroners, and for electing Coroners in their stead, are in any cases directed by any law now in force, or by the provisions of this Act; and if the Coroner so convicted shall have been appointed or elected in any other manner than under the provisions of this Act, the person or persons entitled to the nomination or appointment or election of any such Coroner shall, upon notice of such judgment of amoval, nominate, appoint and elect another person to be Coroner in his stead.

21. Coroners to be paid when they act for Sheriffs.

AND whereas in cases where the Sheriff is a party, or otherwise disqualified to act, and in various other cases, Writs and Processes in Civil Actions and Suits, and also Extents and other Process where the King is interested, are frequently directed to and executed by the Coroner in the place and stead of the Sheriff, but the Coroner is not in any such case allowed any fee or reward for the execution of any such Writs, Process or Extents; BE it therefore Enacted, That in all cases where any Writ, Process or Extent whatsoever shall be directed to and executed by any Coroner or Coroners in the

place

place or stead of any Sheriff or Sheriffs, such Coroner or Coroners shall have and receive such and the same Poundage, Fees or other compensation or reward for executing the same as the Sheriff or Sheriffs, if he or they had executed the same, would have been entitled to receive for so doing, and shall also have such and the same right to retain, and all other remedies for the recovery of the same as the Sheriff or Sheriffs would have had in whose place and stead such Coroner or Coroners shall have been substituted: Provided always, That if the Fees or compensation payable to the Sheriffs shall at any time after the passing of this Act be increased by Act of Parliament or otherwise, that in every such case the Coroner or Coroners shall be entitled to such increased Fees or compensation.

22. What Defects shall not vitiate an Inquisition.

AND that the punishment of offenders may be less frequently intercepted in consequence of technical niceties; BE it Enacted, That no judgment upon any Coroner's Inquest, whether after verdict or by confession, default or otherwise, shall be stayed or reversed for want of the averment of any matter unnecessary to be proved, nor for the omission of the words "with force of arms," or of the words "against the peace," nor for the insertion of the words "on their oath," instead of the words "on their oaths," nor for that any person or persons mentioned in the Inquest is or are designated by a name of office or other descriptive appellation, instead of his her or their proper name or names, nor by reason of any difference in the spelling of the names of the Jurors in the body of the Inquisition, and the names subscribed thereto, nor for that any Juryman shall have set his mark thereto instead of signing his name, nor for that such mark is unattested, nor for that any Juryman has signed his christian name by means of an initial only, nor for omitting to state the time at which the offence was committed, when time is not of the essence of the offence, nor for stating the time imperfectly, nor for stating the offence to have been committed on a day subsequent to the taking of the Inquest, or on an impossible day, or on a day that never happened, nor for want of a proper or perfect venue where the Inquest shall appear or purport to have been taken by a Coroner of or for the County, City, Liberty, or Division or Place in which the same shall appear or purport to have been taken.

23. County Coroner to take Inquests in Cities, Boroughs, &c. in case of Absence or Removal of Coroner for such City, Borough, &c.

And be it Enacted, That in case of the death, removal or absence of any Coroner of any City, Borough, Town, Liberty or Franchise which is not contributory to the County Rates, or within which such Rates shall not have been usually assessed, it shall and may be lawful for any Coroner acting in and for the District adjoining thereto, if he shall be required so to do, to enter into such City, Borough,

Borough, Town, Liberty or Franchise, and there to take and hold an Inquest or Inquests during the absence, illness, death or removal of such first-mentioned Coroner, or until another person shall have been elected or appointed Coroner of such City, Borough, Town, Liberty or Franchise; and such Coroner of an adjoining District so entering into and holding such Inquest as aforesaid shall be entitled to, and shall and may receive from the Treasurer or Collector of the Rates, Chamberlain or other officer within such City, Borough, Town, Liberty or Franchise, the same recompence as is allowed by this Act.

24. Coroners for particular Places excepted out of this Act.

And be it Enacted, That no Coroner of The King's Household and of the verge of The King's Palaces, nor any Coroner of the Admiralty, nor any Coroner of the County Palatine of Durham, nor any Coroner of the City of London and Borough of Southwark, or of any Franchises belonging to the said City, nor any Coroner of any City, Borough, Town, Liberty or Franchise which is not contributory to the County Rates, or within which such Rates have not been usually assessed, shall be entitled to any Fee, recompence or benefit given to or provided for Coroners by this Act; but that it shall and may be lawful for all such Coroners as are last-mentioned to have and receive all such Fees, Salaries, Wages and Allowances as they were entitled to by law before the making of this Act, or as shall be given or allowed to them by the person or persons by whom they have been or shall be appointed.

25. To what Places this Act shall not extend.

And be it Enacted, That nothing in this Act contained touching the divisions of Counties into Districts, or the appointment or election of Coroners, shall extend, or be construed to extend, to any County Palatine, City, Borough, Town, Liberty, Franchise, Part or Place the appointment or election of Coroner whereof takes place by law otherwise than under the Writ de Coronatore eligendo.

26. Act not to extend to Scotland or Ireland.

And be it Enacted, That nothing in this Act contained shall extend to Scotland or Ireland.

5 WILL. IV.—Sess. 1835.

A

B I L L

To regulate the Office of and Mode of electing County Coroners.

(*Prepared and brought in by Mr. Cripps and Mr. Warburton.*)

Ordered, by The House of Commons, *to be Printed,*
22 *May* 1835.

A

B I L L

For the Amendment of the Law relating to Lands held by Copy of Court Roll.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

BE it Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT in the construction of this Act the word "Manor" shall extend to a Manor of any tenure whatsoever, and shall also include a Manor by reputation; and the word "Lands" shall extend to Manors, and reputed Manors, and to Messuages, Lands, Tenements, Tithes and Hereditaments, whether corporeal or incorporeal, or any undivided share thereof; and the words "Lord," "Steward" and "Deputy of such Steward" shall include the Persons for the time being filling those respective characters or acting in those respective capacities, whether those Persons shall be rightfully or lawfully entitled to fill those characters or capacities or not, and whether the Person for the time being acting as such Lord, or in whose name any customary Court may be held for any Manor, shall or shall not have any estate or interest in such Manor, either at law or in equity; and the word "Person" shall extend to a Body Politic, Corporate or Collegiate, as well as an individual; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the plural number shall extend and be applied to one person or thing as well as several persons or things; and every word importing the masculine gender shall extend and be applied to a female as well as a male: Provided always, That the words occurring in this clause to which more than one meaning is to be attached, shall have all or any one or more of the different meanings given to them by this clause, as the circumstances of each particular case shall require, and shall not have the

1. Meaning of certain Words and Expressions.

"Manor."

"Lands."

"Lord."
"Steward."
"Deputy Steward."

"Person."

Number.

Gender.

different meanings given to them by this clause, in those cases in which there is any thing in the subject or context repugnant to such construction.

2. Power after the 31st December 1836 to Lords of Manors or their Stewards to hold Customary Courts, notwithstanding there may not be any Copyhold Tenants of the Manors, or although no Copyhold Tenant be present.

And be it further Enacted, That after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six* it shall be lawful for the Lord of any Manor, or his Steward, or the Deputy of such Steward, to hold a Customary Court for such Manor, whether at the time of holding the same there shall or shall not be any Person who shall hold Lands of such Manor by Copy of Court Roll; and in case, at the time of holding such Court, there shall be any Person or Persons who shall hold Lands of such Manor by Copy of Court Roll, then, notwithstanding there shall not be present at such Court any Person who shall hold Lands of such Manor by Copy of Court Roll, or there shall not be more than one Person present who shall hold Lands of such Manor by Copy of Court Roll, and at a Court so holden, it shall be lawful for any Person holding Lands of such Manor by Copy of Court Roll to surrender any such Lands, and for the Lord of such Manor, or his Steward, or the Deputy of such Steward, to accept such surrender, and to admit any Person tenant of Lands so surrendered, and to admit any Person tenant of any Lands held of such Manor by Copy of Court Roll previously surrendered to the use of such Person, either in or out of Court, and also to admit any Person tenant of any other Lands held by Copy of Court Roll.

3. Power after the 31st December 1836 to Lords of Manors or their Stewards to make grants of Lands to be held by Copy of Court Roll, either within or out of the Manors, and out of Court.

And be it further Enacted, That after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six* it shall be lawful for the Lord of any Manor, or his Steward, or the Deputy of such Steward, to grant at any time and at any place, either within or out of such Manor, and without holding a Court for such Manor, any Lands, parcel of such Manor, to be held by Copy of Court Roll, which such Lord shall for the time being be authorized or empowered to grant out to be held by Copy of Court Roll.

4. Power after the 31st December 1836 to Lords of Manors or their Stewards to grant admissions, either within or out of the Manors, and out of Court.

And be it further Enacted, That after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six* it shall be lawful for the Lord of any Manor, or his Steward, or the Deputy of such Steward, to admit at any time and at any place, either within or out of such Manor, and without holding a Court for such Manor, any Person as tenant to any Lands, parcel of such Manor, to an admission to which such Person shall for the time being be entitled.

5. Power after the 31st December 1836 to Copyholders to surrender their Lands by Deed, exe-

And be it further Enacted, That after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six* it shall be lawful for any Person who now holds or hereafter shall hold Lands by Copy of Court Roll, to declare by a Deed to be executed by him in the presence of and to be attested by *Two* or more Witnesses, that he thereby surrenders

ders such Lands into the hands of the Lord of the Manor of which such Lands are parcel, to any uses, and upon and for any trusts, intents and purposes to, upon, and for which the Person executing such Deed might for the time being have surrendered such Lands by a customary surrender, either at a Court held for such Manor, or out of Court; and such Deed may be executed either within or out of such Manor, and either in the presence or in the absence of the Lord of such Manor, or his Steward, or the Deputy of such Steward, or of the Bailiff or Reeve of such Manor, or of any Person holding Lands of such Manor by Copy of Court Roll; and the Deed by which any such surrender shall be made shall, after the execution thereof, be delivered, either within or out of such Manor, to the Lord of such Manor, or his Steward, or the Deputy of such Steward, and the Person to whom such Deed shall be delivered, shall forthwith, on the delivery thereof to him, enter such Deed on the Court Rolls of such Manor, and it shall not be material whether the Person who executed such Deed shall be living or dead at the time of the delivery of it to such Lord, Steward or Deputy, and the Person to whom such Deed shall be delivered shall endorse thereon the day and hour when it was delivered to him, and shall also endorse thereon, after the entry thereof on the Court Rolls, a memorandum signed by him, testifying the entry of the same on the Court Rolls; and every Deed by which any such surrender shall be made shall, from the time of its being so delivered, have the same force and effect as a customary surrender would have had if made by the Person executing such Deed, to the same uses, and upon and for the same trusts, intents and purposes as shall be expressed and contained in such Deed, and shall operate and take effect as a customary surrender from the time of the execution of it in the same manner as if the delivery thereof to the Lord, or Steward, or Deputy, or the entry thereof on the Court Rolls had not been required or made necessary, except that every such Deed shall be void against any Person claiming the Lands for a valuable consideration either under a subsequent customary surrender, in case the same shall be made either in or out of Court before the delivery of such Deed to such Lord, Steward or Deputy, or under a subsequent Deed executed pursuant to this present clause in case such subsequent Deed shall be first delivered to such Lord, Steward or Deputy: Provided nevertheless, That every Deed, by which a feme covert shall make any surrender shall be acknowledged by her, pursuant to an Act passed in the third and fourth years of the reign of His present Majesty, intituled, "An Act for the abolition of Fines and Recoveries, and for the substitution of more simple Modes of Assurance," and the Husband of such feme covert shall concur in such Deed.

cuted either within or out of the Manor, and to be entered on the Court Rolls.

6. And be it further Enacted, That after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six* it shall be imperative

Lords of Manors or their Stewards shall deliver to the Persons

delivering Deeds of Surrender, notice of all prior Surrenders, not previously entered on the Court Rolls.

imperative on the Lord of every Manor, or his Steward, or the Deputy of such Steward forthwith to deliver to the Person delivering any Deed of Surrender of Lands held of such Manor by Copy of Court Roll, if required so to do, notice in writing of all prior Surrenders which shall affect the Lands comprised in such Deed of Surrender, and which shall not have been previously entered on the Court Rolls of the Manor of which such Lands may be parcel.

7.
After the 31st December 1836, every Surrender, &c. delivered to the Lord or Steward at a Court, whereat a Homage shall not be assembled, or out of Court, and every fact proved to the Lord or Steward at any Court, whereat a Homage shall not be assembled, shall be forthwith entered on the Court Rolls; and such entries shall be deemed to be made in pursuance of Presentments by the Homage.

And be it further Enacted, That after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six* every Surrender, or Deed, which, and also every Will or Codicil a copy of which, shall be delivered to the Lord of the Manor, of which the lands affected by such Surrender, Deed, Will or Codicil are parcel, or his Steward or the Deputy of such Steward, either at any Court holden for such Manor at which there shall not be any homage assembled, or out of Court, and also every Grant and Admission by the Lord of any Manor, or his Steward, or the Deputy of such Steward, pursuant to this Act, shall be forthwith entered on the Court Rolls of the Manor by such Lord, or Steward, or Deputy; and every fact relating to or affecting the title to any Lands held by Copy of Court Roll which shall be communicated and satisfactorily proved to the Lord of the Manor of which such lands are parcel, or his Steward, or the Deputy of such Steward, at any Court holden for such Manor at which there shall not be any homage assembled, shall be forthwith entered on the Court Rolls of such Manor by such Lord, or Steward, or Deputy; and every entry made on the Court Rolls of any Manor pursuant to this present clause shall for all purposes whatsoever be deemed and taken to be an entry made in pursuance of a presentment made at a Court holden for such Manor by the homage assembled thereat.

8.
After the 31st December 1836, a Presentment by the Homage shall not be essential in any case to the validity of an admission.

And be it further Enacted, That after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six* it shall not be essential in any case to the validity of the admission of any Person as Tenant of any Lands held of any Manor by Copy of Court Roll that a Presentment shall be made by the homage assembled at any Court holden for such Manor, of the Surrender, Deed, Will or other Instrument or fact in pursuance or in consequence of which such admission shall have been granted.

9.
Every Lease of Lands held by Copy of Court Roll granted without a License by the Lord of the Manor shall be as valid as the same would have been if granted with such License.

And be it further Enacted, That every Lease already granted or hereafter to be granted of Lands held by Copy of Court Roll without a License by the Lord of the Manor of which such Lands may be parcel, or for a term of years, or any other estate, not authorized by a License actually obtained from such Lord prior to the granting of such Lease, shall be as good, valid and binding on all Persons whomsoever (including the Lord of such Manor) as the same would have been if granted under a License by the Lord of such Manor, or, as

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the case may be, if granted in strict compliance with the License so actually obtained as aforesaid; and it shall not be deemed or taken that the Person granting such Lease has in consequence thereof forfeited to the Lord of such Manor the Lands thereby demised.

10. No Lease rendered valid by this Act, shall continue in force after the determination of the Estate, for which the Lands shall have been granted out as Copyhold.

Provided always, and be it further Enacted, That no Lease of Lands held by Copy of Court Roll already granted, or hereafter to be granted, and hereby rendered valid, shall continue in force after the determination of the Estate for which the Lands comprised in such Lease shall have been granted out to be held by Copy of Court Roll.

11. This Act shall not render valid any Lease already granted, if the Lord of the Manor shall have entered for the Forfeiture incurred by such Lease, and shall not prejudice any proceedings now pending.

Provided always, and be it further Enacted, That this Act shall not render valid any Lease already granted of Lands held by Copy of Court Roll, if the Lord of the Manor of which the lands comprised in such Lease are parcel shall, previously to the passing of this Act, have actually seized or entered on such Lands for or on account of the Forfeiture incurred by the granting of such Lease, nor shall this Act prejudice or affect any proceedings at law or in equity pending at the time of the passing of this Act, in which the right of the Lord of any Manor to seize or enter on Lands comprised in any Lease for or on account of the Forfeiture incurred thereby shall be in question.

12. No Lease hereafter to be granted shall be rendered valid by this Act, unless granted at Rack-rent.

Provided always, and be it further Enacted, That no Lease hereafter to be granted of Lands held by Copy of Court Roll shall be rendered valid by this Act, unless there shall be reserved by such Lease the best and most improved rent that can be gotten for such Lands at the time of granting such Lease, without taking any fine or premium for granting the same.

13. No Lease hereafter to be granted and rendered valid by this Act shall continue in force beyond the term of Twenty one Years.

Provided always, and be it further Enacted, That no Lease hereafter to be granted of Lands held by Copy of Court Roll, and rendered valid by this Act, shall continue in force after the expiration of *Twenty-one* Years from the time of granting such Lease.

14. The Lord of any Manor not to be entitled to a Fine, in respect of any Lease rendered valid by this Act.

Provided always, and be it further Enacted, That the Lord of the Manor of which any Lands are parcel which shall be comprised in any Lease already granted, or hereafter to be granted, which shall be rendered valid by this Act, shall not be entitled to any Fine in respect of such Lease.

15. This Act shall not apply to any Lease where a License by the Lord of the Manor is not requisite.

Provided always, and be it further Enacted, That nothing in this Act contained shall apply to any Lease of Lands held by Copy of Court Roll where a License by the Lord of the Manor, of which such Lands are parcel, to demise or lease such Lands, is not requisite, either according to the custom of such Manor or otherwise.

16. After the 31st December 1836 all customs relating to Curtesy and Dower, or Freebench in

And be it further Enacted, That after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six* all customs relating to Curtesy and Dower, or Freebench in Lands held by Copy of Court

Lands held by Copy of Court Roll, shall determine, except in Lands held for Lives by Copy of Court-Roll, where the Lords are compellable to renew.

Court Roll, shall cease and determine, except customs relating to Dower or Freebench out of Lands which shall have been granted out to be held by Copy of Court Roll for any life or lives, where there shall not be in the Manor of which such Lands may be parcel a custom under which the Lord of such Manor is compellable, on the death of the Person or all or any of the Persons for whose life or lives such Lands shall have been so granted out, to regrant such Lands to be held by Copy of Court Roll.

17. Widows of Husbands dying after the 31st December 1836, shall be entitled to Dower out of Copyholds to which their Husbands shall, on their decease, be entitled for an Interest, which, if held in socage, would have entitled their Widows to Dower.

And be it further Enacted, That the Widow of every Husband who shall die after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six* shall be entitled to Dower or Freebench out of all Lands held by Copy of Court Roll, of or to which such Husband shall at the time of his death be seised or entitled, either at Law or in Equity, in case such Husband shall be seised of or entitled to such Lands for an Estate or interest, which, if he had held such Lands in free and common socage, would have entitled his Widow to Dower in or out of the same.

18. Widows of Husbands dying after the 31st December 1836, and seised of the whole Estate for which Lands shall have been granted out for Lives by Copy of Court Roll, and the Lords are compellable to renew the Grants, shall be entitled to Dower out of such Lands.

And be it further Enacted, That when a Husband shall die after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six*, seised of or entitled to, either at law or in equity, any Lands held by Copy of Court Roll for any life or lives, under a grant which immediately previous to and at the time of the decease of such Husband shall not be a grant expectant on the determination of any prior grant of the same Lands to be held by Copy of Court Roll, and such Husband shall be so seised or entitled for the whole estate and interest then subsisting under the grant under which he shall be so seised or entitled as aforesaid, and there shall be in the Manor of which the Lands are parcel a custom under which the Lord of such Manor is, on the death of the Person, or of all or any of the Persons, for whose life or lives such Lands shall have been granted out to be held by Copy of Court Roll compellable to regrant such Lands to be held by Copy of Court Roll for any life or lives, the Widow of such Husband shall be entitled to Dower or Freebench out of such Lands, in the same manner in every respect as if her Husband had been seised or entitled to such Lands for an Estate or interest, which, if he had held the same in free and common socage, would have entitled her to Dower in or out of the same.

19. The Dower of Widows in Lands under this Act to be One-third of such Lands for their lives; and all the Laws relating to Dower out of Lands held in free and common socage, shall, mutatis mutandis, apply to Dower to which a Widow shall be entitled under this Act.

And be it further Enacted, That every Widow who shall be entitled under this Act to Dower or Freebench out of Lands held by Copy of Court Roll, shall be entitled for such Dower or Freebench to one equal third part of such Lands during her life, and shall be entitled to such Dower or Freebench notwithstanding she would not, according to the custom of the Manor of which the Lands may be parcel, have been entitled to any Dower or Freebench

bench out of such Lands if this Act had not been passed; and every Widow shall have the same rights and remedies for the recovery of such Dower or Freebench as such Widow would have had if this Act had not been passed, and she would have been entitled to such Dower or Freebench according to the custom of the Manor of which the Lands out of which she is entitled to such Dower or Freebench are parcel, and shall be admitted to the Lands to which she may become entitled for her Dower or Freebench; and every Widow shall, in respect of her admission to such Lands, pay to the Lord of the Manor of which such Lands are parcel the same fine as any other Person shall be liable to pay to such Lord on being admitted to such Lands for an estate for life: Provided nevertheless, That nothing herein contained shall be deemed or taken to render any Widow liable, on being admitted to any Lands to which she shall become entitled for her Dower or Freebench under this Act, to pay to the Lord of the Manor of which such Lands are parcel a greater fine than she would, according to the custom of the Manor of which the Lands are parcel, have been liable to pay on being admitted to her Dower or Freebench in or out of such Lands in case this Act had not been passed; and all the laws relating to Dower out of Lands held in free and common socage shall, so far as circumstances and the different tenures will admit, apply to Dower and Freebench to which a Widow shall be entitled under this Act in Lands held by Copy of Court Roll, except that in any surrender to the use of a Husband of Lands held by Copy of Court Roll, it may be declared that his Widow shall not be entitled to Dower or Freebench out of such Lands; and except that every Deed by which it shall be declared that a Widow shall not be entitled to Dower out of any Lands held by Copy of Court Roll, shall be entered on the Court Rolls of the Manor of which such Lands are parcel; and except that every Will in which a declaration shall be made affecting the Dower of any Widow out of Lands held by Copy of Court Roll, shall be duly executed for the devise of Lands held by Copy of Court Roll, and it shall not be necessary for the Husband to surrender such Lands to the use of his Will.

20. This Act not to extend to the Dower of any Widow who shall have been married before the 1st of January 1837, or to give any Will, &c. executed before that day the effect of defeating any right to Dower.

And be it further Enacted, That this Act shall not extend to the Dower of any Widow who shall have been or shall be married before the *First* day of *January One thousand eight hundred and Thirty-seven*, and shall not give to any Will, Deed, Contract, Engagement or Charge, executed, entered into or created before the *First* day of *January One thousand eight hundred and Thirty-seven*, the effect of defeating or prejudicing any right to Dower.

21. Husbands of Women dying after the 31st December 1836, to be entitled as tenants by the Curtesy to the entirety of all

And be it further Enacted, That the Husband of every Woman who shall die after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six* shall be entitled for his life as tenant, by the

Lands held by such Husbands and their Wives, in right of their Wives, if they shall be so seised for an Interest, which, if the Lands were Freehold, would have entitled such Husbands to be Tenants by the Curtesy; and all the Laws relating to Curtesy out of Lands held in free and common socage shall, mutatis mutandis, apply to Curtesy to which a Husband shall be entitled under this Act.

the curtesy of England, to the entirety of all Lands held by Copy of Court Roll by such Husband and Wife in her right at the time of her decease, in case such Husband and Wife in her right shall be seised of or entitled to such Lands either at Law or in Equity, for an estate or interest, which, if such Husband and Wife had in her right held such Lands in free and common socage, would have entitled such Husband to curtesy in or out of the same; and such Husband shall be so entitled, as tenant by the curtesy of England, to Lands so held by Copy of Court Roll by him and his Wife in her right, notwithstanding he would not, according to the custom of the Manor of which such Lands are parcel, have been tenant by the curtesy of such Lands if this Act had not been passed; and every Husband shall have the same rights and remedies for the recovery of the Lands held by Copy of Court Roll to which he shall be entitled under this Act, as tenant by the curtesy of England, as he would have had if this Act had not been passed, and he would have been entitled to such Lands, as tenant by the curtesy of England, according to the custom of the Manor of which the lands are parcel, and shall be admitted thereto, and shall, in respect of such admission, pay to the Lord of such Manor the same fine as any other Person shall be liable to pay to such Lord on being admitted to such Lands for an estate for life: Provided nevertheless, That nothing herein contained shall be deemed or taken to render any Husband liable, on being admitted to any Lands to which he shall become entitled as tenant by the curtesy of England under this Act, to pay to the Lord of the Manor of which such Lands are parcel a greater fine than he would, according to the custom of the Manor of which the Lands are parcel, have been liable to pay on being admitted as tenant by the curtesy of England of such Lands in case this Act had not been passed; and all the laws relating to an Estate, as tenant by the curtesy of England, in Lands held in free and common socage shall, so far as circumstances and the different tenures will admit, apply to an Estate under this Act, as tenant by the curtesy of England, in Lands held by Copy of Court Roll.

22. Husband not to be entitled to Curtesy under this Act, in case he shall be married on or before the 1st of January 1837.

And be it further Enacted, That this Act shall not entitle any Husband, as tenant by the curtesy of England, to any Lands held by Copy of Court Roll by him and his Wife in her right, in case such Husband and Wife shall have been or shall be married before the *First* day of *January One thousand eight hundred and Thirty-seven.*

A

B I L L

For the Amendment of the Law relating to Lands held by Copy of Court Roll.

(*Prepared and brought in by*
Mr. Attorney General & Mr. Solicitor General.)

Ordered, by The House of Commons, *to be Printed.*
4 *September* 1835.

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27 *March* 1835.

A

B I L L

To consolidate and amend the several Laws relating to the cruel and improper Treatment of Animals, and the Mischiefs arising from the Driving of Cattle, and to make other Provisions in regard thereto.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS frequent accidents arise from improperly driving Cattle, and many and great cruelties are practised by improperly driving and conveying Cattle to at and from Public Markets and otherwise, as well as in slaughtering and keeping and detaining the same without Food and Nourishment, to the great and needless increase of the sufferings of Dumb Animals and to the demoralization of the People, and whereby the Lives and Property of His Majesty's Subjects are greatly endangered and injured: Preamble.

And whereas it is expedient to reduce into one Act, and to alter, amend and enlarge the powers and provisions of the several Acts now in force relating to the cruel and improper treatment of Cattle, and the mischiefs arising from the driving thereof, and also to prevent as far as possible the cruel and improper treatment of Cattle and other Animals, and to make divers provisions in regard thereto;

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the two several Acts next hereinafter mentioned; (that is to say) an Act passed in the twenty-first year of the reign of King GEORGE the Third, intituled, "An Act to prevent the Mischiefs that arise from driving Cattle within the Cities of London and

1. Certain Acts and parts of Acts repealed; namely, 21 G. 3. 67. and

London and Westminster and Liberties thereof and Bills of Mortality;"
3 G. 4. c. 71. and an Act passed in the third year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to prevent the cruel and improper Treatment of Cattle;" and so much of an Act passed in the third year of the reign of His present Majesty, intituled, "An Act for the more effectual Administration of Justice in the Office of a Justice of the Peace in the several Police Offices established in the Metropolis, and for the more effectual Prevention of Depredations on the River Thames and its Vicinity for Three Years," as recites and enacts as follows; (that is to say) "And whereas an Act passed in the twenty-first year of the reign of King GEORGE the Third, intituled, 'An Act to prevent the Mischiefs that arise from driving Cattle in the Cities of London and Westminster and Liberties thereof and Bills of Mortality,' has been found ineffectual for the prevention of such mischiefs, and it is expedient to extend the powers and enlarge the limits of the said Act; Be it therefore Enacted, That all the powers and provisions of the said Act shall extend and be in force within the distance of Five Miles from Temple Bar, as fully and effectually as if such limits had been originally inserted in the said Act, and that if any Person not being employed to drive cattle shall within the said limits pelt with stones, brick-bats, or by any other means hunt or drive away, or shall set any dog at any ox, heifer, cow, steer or other cattle, contrary to the provisions of the said Act, such Person shall, upon being convicted thereof, according to the said Act, forfeit and pay on the first conviction any sum not exceeding Forty Shillings nor less than Twenty Shillings, and on the second and every future conviction any sum not exceeding Five Pounds nor less than Fifty Shillings, to the Person or Persons who shall prosecute such offender to conviction, and in default of payment shall be committed to the Common Gaol or House of Correction, there to be kept to hard labour for any time not exceeding Two Months on the first conviction, nor Five Months on the second and every future conviction, in the manner prescribed by the said Act, unless the penalty be sooner paid: And whereas divers places in and about the Metropolis are kept and used for the purpose of fighting or baiting of Bears or other Animals, at which places idle and disorderly Persons commonly assemble, to the interruption of good order and the danger of the public peace; Be it therefore Enacted, That any Person who shall, within Five Miles of Temple Bar, keep or use, or shall act in the management or conducting of any premises or place whatsoever for the purpose of fighting or baiting of bears, cock-fighting, baiting or fighting of badgers or other animals, shall on conviction thereof before any One Justice of the Peace, forfeit any sum not exceeding Five Pounds, and in default of immediate payment shall be liable to be imprisoned and kept to hard labour for any time not exceeding Two Months, unless the said penalty shall be sooner paid," shall be, and the same are hereby severally Repealed, and made null and void to all intents

and

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and purposes, save and except as to any penalties or forfeitures incurred and not recovered, and to any offences or other matters committed and done before the *passing of this Act.*

2.

Any Person wantonly or cruelly beating or otherwise ill-treating any Cattle, &c.;

or improperly driving the same, whereby any mischief shall be done;

or otherwise misbehaving by ill-treating such Cattle, &c.

shall, upon conviction, be fined or committed to Prison, at the discretion of a Justice;

and in case of a second offence, be committed to Prison.

And be it further Enacted, That if any Person shall from and after the *passing of this Act* wantonly or cruelly beat, abuse, torture, whip, ill-treat, bait or keep without sufficient food and nourishment for a longer space of time than *Twenty-four* Hours any horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep, lamb, dog or any other cattle or domestic animal; or if any Person who shall drive any cattle within the Cities of London or Westminster, or the Liberties thereof, or elsewhere, shall, by negligence, carelessness or ill-usage in the driving thereof, be the means whereby any mischief, damage or injury shall be done by any such cattle; or if any such driver shall in anywise misbehave himself in the driving, care, management or treatment of any such cattle or animals, or if any Person shall drive or convey, or cause or procure to be driven or conveyed in any waggon, cart or otherwise, any calf, sheep, lamb or other animal, either to or from any public market or otherwise, in any cruel manner, and so as to cause unnecessary torture or pain to any such animal, every such offender being convicted of any or either of the said offences before any one Justice of the Peace for the city, town or county in which any such offence shall have been committed, or for any adjoining county, shall for every such offence forfeit and pay (over and above the amount of the damage or injury (if any) done thereby, which damage or injury shall and may be ascertained and determined by such Justice) such a sum of money, not exceeding *Five* Pounds, nor less than *Twenty* Shillings, with costs, as to such Justice shall seem meet, or the offender shall at the discretion of such Justice be committed to the Common Gaol or House of Correction for the city, town or county in which such offence shall have been committed, there to be imprisoned for any time not exceeding *One* calendar Month, nor less than *Fourteen* Days, at the discretion of such Justice; and if any Person so convicted shall afterwards be guilty of any or either of the said offences, and shall be convicted thereof by any such Justice as aforesaid, every such offender shall for every second or subsequent offence be committed to the Common Gaol or House of Correction for the city, town or county in which the offence shall have been committed, there to be kept to hard labour for any term not exceeding *Three* calendar Months, nor less than *Two* calendar Months, as such Justice shall think fit.

3.

Court of Mayor and Aldermen of the City of London, and Court of Quarter Session for other

And be it further Enacted, That it shall and may be lawful to and for the Court of Mayor and Aldermen for the time being of the City of London, and to and for the Courts of Quarter Sessions for every other city, town or county within their respective jurisdictions, to

Counties, to make Rules and Regulations.

make, frame and set down in writing such reasonable Rules, Orders or Ordinances as to such Courts respectively shall seem meet and proper for governing and regulating all Persons who shall drive or cause to be driven, or who shall convey or cause to be conveyed any cattle or animals within the said cities of London or Westminster and liberties thereof or elsewhere, under their respective jurisdictions, and also for the governing and regulating all Public Markets or Fairs for the sale of cattle; and all houses, rooms, buildings, sheds, cellars, ground and other places used either for the purpose of slaughtering or killing any cattle, or for the purpose of keeping or detaining, or in which shall be kept or detained, any cattle or animals (such cattle or animals not being the private property of the owner of any such house or other place as aforesaid); and for the humane and proper treatment of any such cattle or animals as may from time to time be therein, and also to order, direct and declare such reasonable Penalties and Forfeitures for the breach of any such Rules, Orders and Ordinances, not exceeding *Five* Pounds, nor less than *Twenty* Shillings, for any and every offence, as to them the said Court of Mayor and Aldermen and Justices respectively shall seem meet and proper, and such Rules, Orders and Ordinances, or any of them from time to time, and at all times, to alter and amend as such Courts respectively shall think meet and proper.

4. Any one Justice to determine as to Offences against such Rules, &c.

And be it further Enacted, That any one Justice of the Peace of the cities of London or Westminster or elsewhere, within whose jurisdiction any offence as aforesaid shall be committed, shall have power and authority to hear and determine in a summary way complaints of offences that shall be committed contrary to any of the Rules, Orders or Ordinances at any time to be made by the said Court of Mayor and Aldermen and Justices respectively, in pursuance of this Act; and if any Person shall be convicted of any such offence as last aforesaid, it shall be lawful for such Justice to impose upon such offender for the said offence, and require him to pay the penalty or forfeiture which shall be instituted in and by the said Rules, Orders and Ordinances, with costs; and if the Person so convicted shall neglect or refuse forthwith to pay the same, it shall and may be lawful for such Justice immediately to commit such Person to the Common Gaol or House of Correction for the city, town or county within the jurisdiction of such Justice, there to be kept and detained for any time not exceeding *One* calendar Month, unless the said penalty or forfeiture and costs shall be sooner paid.

5. Abstract of Rules, &c. to be published.

And be it further Enacted, That an Abstract of the several Rules, Orders and Ordinances so to be made from time to time by the said Courts of Mayor and Aldermen, and Justices respectively shall, within *Fourteen* Days after the making of such Rules, Orders and Ordinances, be printed or painted and affixed upon such of the most conspicuous

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spicuous places within the said cities of London and Westminster and liberties thereof, and elsewhere, in such manner as the said Courts respectively shall think proper and from time to time to order.

6. Vestries to appoint Inspectors of Public Markets, &c.

And be it further Enacted, That such of the inhabitants of each and every parish as are by law entitled to assemble and vote in and at any Vestry of such respective parishes, shall and are hereby authorized and empowered to assemble and meet at and in such respective Vestries on the *Thirty-first* day of *July* next after the *passing of this Act*, or within *Seven* Days thereafter; and also on the *Thirty-first* day of *July* in each succeeding year, or within *Seven* Days next after such respective periods, or on such other days as to the Vestries of such respective parishes shall seem meet and proper, and shall then and there from time to time nominate and appoint one or more person or persons, and for so long a period as to such respective Vestries shall seem meet and proper; but so that there shall be always at least one such Person constantly subsisting to be an Inspector or Inspectors of each and every public Market or Fair for the sale of cattle, and of every house, building, stable, shed, cellar, ground or premises in which any cattle shall be kept or detained for the purpose of being slaughtered or for sale or otherwise (such cattle not being the property of the owner or occupier of any such place), and also of every house, room, pit, ground or other place kept for the purpose of baiting or running bulls, or baiting or fighting bears, dogs or other animals (whether of a domestic or wild nature or kind, or fighting cocks, as shall be situate within their respective parishes.

7. Duties of Inspectors.

And be it further Enacted, That every Inspector so to be from time to time nominated and appointed as aforesaid, shall and may and is hereby authorized and required, without any other authority or warrant than this Act, from time to time to attend at all and every the public markets and fairs for the sale of cattle within their respective parishes, and also from time to time and at all times whenever such Inspector shall have been previously authorized by warrant under the hand and seal of any one Justice of the Peace having jurisdiction within such parish, to enter any house, building, stable, shed, cellar, ground or premises in which any cattle shall be kept or detained for the purpose of being slaughtered or for sale or otherwise (such cattle not being the property of the owner or occupier of any such place), and also to enter into any and every house, room, pit, ground or other place kept for the purpose of baiting or running bulls, or baiting or fighting bears, dogs or other animals, or fighting cocks, and then and there from time to time to examine and take an account of the manner in which any cattle are slaughtered, treated, used or kept, or any bulls, bears, dogs or other animals are baited or fought, and then and there from time to time to remain and continue for so long a period or periods as to such Inspector

Inspector shall seem right and proper; and in case such Inspector shall at any time see any person wantonly or cruelly beat, abuse, torture, ill-treat or bait any horse, mare, gelding, bull, ox, cow, calf, mule, ass, sheep, lamb or any other cattle, or in any manner aid or assist in the baiting, running, fighting or ill-treating of any bull, bear, dog or other animal, or fighting cocks; or if any such Inspector shall at any time see any person misbehave himself by improperly or cruelly driving, ill-treating, torturing, beating or ill-using any such cattle, or baiting, running or fighting any bull, bear, dog or other animal; or shall see any person drive or convey in any waggon, cart or otherwise, any calf, sheep, lamb or other animal, either to or from any public market or otherwise in any cruel manner, and so as to cause unnecessary torture or pain to any such cattle, such Inspector is hereby empowered and required in each and every such case to use his utmost endeavour forthwith as far as possible to prevent the repetition or continuance of any such offence, and also to seise and secure by the authority of this Act, and forthwith and without any other authority or warrant to convey such offender before any Justice of the Peace within whose jurisdiction the offence shall have been committed, or before any Justice of the Peace of any adjoining city, town or county to be dealt with according to law.

8. Any Justice may appoint Inspectors.

And be it further Enacted, That it shall and may be lawful to and for any one of His Majesty's Justices of the Peace for the cities of London or Westminster or elsewhere, from time to time and whenever he shall think fit, by warrant under his hand and seal, to nominate and appoint any person to be an Inspector of each and every public market and fair for the sale of cattle, and of each and every such house, building, ground or premises so to be used for the purposes aforesaid, or any of them, within their respective jurisdictions, for such a period as such Justice shall think fit and proper; and every person so nominated and appointed by any such Justice as aforesaid, shall have the like powers and authorities and be subject to the same duties as hereinbefore provided and directed in regard to the Inspectors to be appointed at the Vestries of the several Parishes as hereinbefore mentioned.

9. Inspectors may enter and view Slaughter-houses, Pits, &c. on special Warrant from a Justice.

And be it further Enacted, That if upon information given on oath before any Justice of the Peace, it shall appear to such Justice that any person is wantonly or cruelly beating, abusing, torturing, or ill-treating, or that there is reasonable cause for suspecting that any person is committing, or is about to commit, any wanton cruelty upon or towards any cattle or domestic animal, or that any person is baiting, running, or fighting, or is about to bait, run, or fight, or to aid and assist in baiting, running or fighting any bull, bear, dog or other animal (whether of a domestic or wild nature or kind) or fighting cocks in any slaughter-house, building, stable, shed, cellar, room, ground, public street or place within the jurisdiction of any such Justice, it shall and may be lawful

lawful to and for such Justice, by special warrant under his hand and seal, directed to any Inspector to be appointed as hereinbefore mentioned, or to any Constable within the jurisdiction of such Justice, to cause every such place in which any such cruelty is, or is suspected to be committed as aforesaid, to be entered and searched at any time of the day or by night, if power for that purpose be especially given in and by such warrant; and such Justice, if it shall appear to him necessary, may moreover empower such Inspector or Constable with any such assistance as to the said Justice may appear, or by such Inspector or Constable shall be found necessary, such Inspector or Constable having previously made known his authority to use force for making such entry, whether by breaking open doors or otherwise, and to remain and continue in and upon such place so entered aforesaid, any reasonable length of time for effecting the object of such search and entry; and if upon search so made any Person shall be found wantonly or cruelly beating, abusing, torturing or ill-treating any cattle or domestic animal, or baiting, running or fighting any bull, bear, dog or other animal, or fighting cocks, or aiding or assisting therein, then and there to seize and secure, and forthwith to convey every such offender before the said Justice or any other Justice of the Peace within whose jurisdiction the offence shall have been committed, to be dealt with according to law.

10. Inspectors to be paid by Overseers.

And be it further Enacted, That it shall and may be lawful to and for the inhabitants of each and every parish so from time to time to be assembled in Vestry as hereinbefore provided, to order and direct what (if any) sum or sums of money shall be from time to time paid to such Inspector so to be appointed at such Vestry, as a reasonable compensation for his loss of time and trouble in executing the duties hereinbefore directed to be performed by him; and such sum or sums of money as shall or may so be ordered and directed from time to time to be paid to such Inspector as aforesaid, shall be paid to him by the Overseers for the time being of the poor of the parish in which such Inspector shall have been so appointed as aforesaid, out of the poor's rate of the said parish.

11. Persons keeping Pits for fighting Dogs or baiting Bears, &c. guilty of Nuisance, and liable to Penalties.

AND whereas cruelties are greatly promoted and encouraged by Persons keeping houses, rooms, pits, grounds or other places for the fighting or baiting of dogs, bulls, bears or other animals, and for fighting cocks, and by Persons aiding or assisting therein, and the same are great nuisances and annoyances to the neighbourhood in which they are situate, and tend to demoralize those who frequent such places; BE it therefore Enacted, That from and after the *passing of this Act*, if any Person shall keep or use any house, room, pit, ground or other place for the purpose of running, baiting or fighting any bull, bear, badger, dog or other animal (whether of domestic or wild nature or kind),

kind), or for cock-fighting, or in which any bull, bear, badger, dog or other such animal shall be baited, run or fought, every such Person shall be deemed guilty of a *Misdemeanor*, and shall also be liable to a penalty not exceeding *Five* Pounds, nor less than *Forty* Shillings, for every day in which he shall so keep and use such house, room, pit, ground or place for any of the purposes aforesaid: Provided always, That the Person who shall act as the owner, proprietor, or manager of any such house, room, pit, ground or other place, or who shall receive any money for the admission of any Person thereto, or who shall assist in any such baiting or fighting or bull-running, shall be deemed and taken to be the keeper or owner of the same for the purposes of this Act, and be liable to all such penalties as are by this Act imposed upon the Person who shall actually keep any such house, room, pit, ground or other place for the purposes aforesaid.

12. Lords of Manors impounding Cattle to provide sufficient food for them.

AND whereas great cruelties are practised by reason of keeping and detaining horses, asses and other cattle impounded and confined without food frequently for many days: FOR Remedy whereof; BE it Enacted, That from and after the *passing of this Act* every Lord of a Manor, and every constable or other person acting by or under the authority of any Lord of a Manor, and every other person whomsoever who shall impound or confine, or cause to be impounded or confined, any horse, ass or other cattle in any common pound, open pound or close pound, or in any inclosed place, shall and he is hereby required to find, provide and supply such horse, ass and other cattle so impounded or confined daily with good and sufficient food and nourishment for so long a time as such horse, ass or other cattle shall remain and continue so impounded or confined as aforesaid; and every such Lord of a Manor or other person who shall so find, provide and supply any such horse, ass or other cattle with such daily food and nourishment as aforesaid, shall and may and he and they are hereby authorized and empowered to recover of and from the owner or owners of such cattle the full value of the food and nourishment so supplied to such cattle as aforesaid by proceeding before any one Justice of the Peace within whose jurisdiction such cattle shall have been so impounded and supplied with food as aforesaid, in like manner as any penalty or forfeiture or any damage or injury may be recovered under and by virtue of any of the powers or authorities in this Act contained, and which value of the food and nourishment so to be supplied as aforesaid such Justice is hereby fully authorized and empowered to ascertain, determine and enforce as aforesaid; and every such Lord of a Manor or other person who shall have so supplied such food and nourishment as aforesaid, shall be at liberty, if he shall so think fit, instead of proceeding for the recovery of the value thereof as last aforesaid, to sell any such horse, ass or other cattle openly at any public market (after having given *Three* Days' public notice thereof) for the most money that

that can be then got for the same, and to apply the produce in discharge of the value of such food and nourishment so supplied as aforesaid, and the expenses of and attending such sale, rendering the overplus (if any) to the owner of such cattle.

13. Persons may enter Pounds for the purpose of feeding Cattle.

And be it further Enacted, That in case any horse, ass or other cattle shall at any time so remain impounded or confined as aforesaid without sufficient daily food or nourishment more than *Twenty-four* Hours, it shall and may be lawful to and for any Person or Persons whomsoever from time to time, and as often as shall be necessary, to enter into and upon any such common pound, open pound or close pound or other inclosed place in which any such cattle shall be so impounded or confined, and to supply such cattle with such good and sufficient food and nourishment during so long a time as such cattle shall so remain and continue impounded or confined as aforesaid, without being liable to any action of trespass or other proceeding by any Person or Persons whomsoever for or by reason of such entry or entries for the purposes aforesaid.

14. Penalty on Lord of the Manor neglecting to feed impounded Cattle.

And be it further Enacted, That in case any such Lord of a Manor or other person who shall so impound or confine, or cause to be impounded or confined, any such horse, ass or other cattle as aforesaid, shall refuse or neglect to find, provide and supply such daily good and sufficient food and nourishment to such cattle so impounded or confined as aforesaid, he and they shall for every day during which he, or they shall so refuse or neglect to find, provide and supply the same as aforesaid, forfeit and pay the sum of *Five* Shillings to any person or persons who shall have found, provided and supplied any such horse, ass or cattle, with such good and sufficient food and nourishment as aforesaid, for every day during which the same shall have been so found and supplied as last aforesaid; which last sum and sums of money shall and may be recoverable by proceeding before any one Justice of the Peace in like manner as hereinbefore provided for the recovery of any penalty, forfeiture, damage or injury as hereinbefore mentioned.

15. Any Constable or Peace Officer, or other person appointed by any Justice, may seize Offender.

AND for the more easy and effectual apprehension of all offenders against this Act; BE it further Enacted, That when and so often as any of the said offences shall happen, it shall and may be lawful to or for any Constable or other peace officer, or for the owner of any such cattle, or for any other person who shall have been previously appointed Inspector, as hereinbefore mentioned, upon view thereof, or upon the information of any other person (who shall declare his, her or their name or names, and place or places of abode to the said Constable or other peace officer, or other person so authorized as aforesaid) to seize and secure, by the authority of this Act, and forthwith and without any other authority or warrant to convey any such offender before any one

Justice of the Peace, within whose jurisdiction the offence shall have been committed, or before any Justice of the Peace of any adjoining city, town or county, to be dealt with according to law, and such Justice shall forthwith proceed to examine upon oath any witness or witnesses who shall appear or be produced to give information touching any such offence (which oath the said Justice is hereby authorized and empowered to administer.)

16. As to Names of Offenders.

And be it further Enacted, That if any Person who shall be apprehended for having committed any offence against this Act shall refuse to discover his Name and Place of Abode to the Justice before whom he shall be brought, such Person refusing shall immediately be delivered over to a Constable or other peace officer, and shall by him be conveyed to the Common Gaol or House of Correction for the city, town or county within which the offence shall have been committed, or in which the offender shall have been apprehended, there to remain for the space of *One* calendar Month, or until he shall make known his Name and Place of Abode to the said Justice.

17. Limitation as to summary Proceedings.

And be it further Enacted, That the prosecution of every offence punishable under this Act shall be commenced within *Three* calendar Months next after the commission of the offence, and not otherwise, and the evidence of the party complaining shall be admitted in proof of the offence, and also the evidence of any overseer or inhabitant of the parish in which the offence shall have been committed, notwithstanding any forfeiture or penalty incurred by the offence may be payable to the overseers of the poor of such parish.

18. As to Convictions.

And be it further Enacted, That in every case of a conviction under this Act, where the sum which shall be awarded for the amount of the damage or injury done, or which shall be imposed as a penalty by any such Justice as aforesaid for any offence contrary to this Act, shall not be paid either immediately upon or after the conviction, or within such period as such Justice shall at the time of the conviction appoint, it shall be lawful for such Justice (unless where otherwise specially directed) to commit the offender to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such Justice, for any term not exceeding *Two* calendar Months, where the amount of the sum awarded or the penalty imposed, or both (as the case may be), together with the costs, shall not exceed *Five* Pounds, and for any term not exceeding *Four* calendar Months, where the amount with costs shall exceed *Five* Pounds, but shall not exceed *Ten* Pounds, and for any term not exceeding *Six* calendar Months in any other case; the commitment to be determinable in each of the cases aforesaid upon payment of the sum or sums awarded and costs.

And

19. Mode of proceeding for Penalties, &c.

And be it further Enacted, That it shall be lawful for any one such Justice as aforesaid, in all cases in which no other mode of proceeding is specially provided or directed by this Act, or in any case where any Person shall not be conveyed before any Justice by the authority of this Act, upon information or complaint made by any Person of any offence against the provisions of this Act, within *Thirty* Days next after the commission of any such offence, to summon the Party accused, and also the witnesses on either side, to appear before such Justice, or before any other Justice of the Peace, at a time and place to be by him named; and either on the appearance of the Party accused, or in default thereof, it shall be lawful for such Justice, or any other Justice, at the time and place to be appointed for such appearance, to proceed to examine into the matter, and upon due proof made thereof, by voluntary confession of the Party, or by oath of one or more credible witness or witnesses, to award, order, give judgment or convict for the damage or injury, penalty or forfeiture, as the case may be.

20. Summonses, Convictions, &c. according to form in Schedule.

And be it further Enacted, That in every case where there shall be a conviction for any offence contrary to this Act, the same shall be drawn or made out according to one of the several Forms contained in the Schedule hereunto annexed, or to the effect thereof, or as near thereto as the case shall require.

21. Penalty on Witnesses neglecting to attend.

And be it further Enacted, That if any Person who shall be summoned as a Witness to give evidence before any Justice of the Peace touching the matters alleged in or relating to any information, complaint or other proceeding depending before such Justice under the authority of this Act, shall neglect or refuse to appear before such Justice at the time and place to be for that purpose appointed, without a reasonable excuse to be allowed by such Justice, or if any Person so summoned shall appear, but shall refuse to be examined and give evidence before such Justice touching the matters aforesaid, every Person so offending shall forfeit any sum, not exceeding *Five* Pounds, as to such Justice shall seem meet.

22. Service of Justice's Summons.

And be it further Enacted, That any Summons issued by any such Justice requiring the appearance of any defendant, or of any witness or other person with reference to any offence against any of the provisions of this Act, shall be deemed and taken to be well and sufficiently served in case either the Summons or Copy thereof be served personally on such person as aforesaid, or be left at his usual or last known place of abode, in whatever county the same may be so served or left.

23. Penalty on Constable refusing to serve Summons, &c.

And be it further Enacted, That if any Constable or other peace officer shall refuse or neglect to serve or execute any such Summons or warrant,

warrant, granted or issued by any Justice of the Peace, pursuant to any of the provisions of this Act, every such Constable or peace officer so offending, and being convicted thereof upon the information of any person before any Justice of the Peace, shall forfeit any sum, not exceeding *Five* Pounds, as shall be awarded by such Justice, and in default of payment thereof, shall be committed by such Justice to the County Gaol or House of Correction of the city, town or county in which such Justice has jurisdiction, there to be kept for the space of *One* calendar Month, unless such penalty shall be sooner paid.

24. Distribution of Penalties, &c.

And be it further Enacted, That all pecuniary Penalties which shall be recovered before any Justice of the Peace under the provisions of this Act, shall respectively be divided, paid and distributed in the following manner; (that is to say) one moiety thereof to the Overseers of the Poor of the parish in which any of the offences aforesaid shall have been committed, to be by such Overseers distributed to such of the Poor of their respective parishes as such Overseers shall think fit and proper, and the other moiety thereof, with full costs, to the person who shall inform and prosecute for the same; and that all and every sum or sums of money which shall or may be ascertained, determined, adjudged and ordered by any Justice of the Peace, under the authority of this Act, to be paid as the amount of any damage or injury occasioned by the commission of any of the offences hereinbefore mentioned, shall be paid to the person who shall or may have sustained such damage or injury, according to the order or determination of any such Justice.

25. Informants or Complainants not disqualified.

And be it further Enacted, That upon the hearing of any information or complaint exhibited or made under any of the provisions of this Act, any Person giving or making such information or complaint or other Person, shall be deemed and is hereby declared to be a competent witness, notwithstanding he may be entitled to any part of the pecuniary penalty, on the conviction of any offender, upon any such information or complaint as aforesaid.

26. Limitation of Actions.

And be it further Enacted, That all Actions and Prosecutions which may be brought or commenced against any person for any thing done in pursuance or under the authority of this Act, shall be commenced within *Three* calendar Months next after the fact committed, and not afterwards, and shall be brought and tried in the county or place where the cause of Action shall arise, and not elsewhere, and notice in writing of any such Action, and specifying the cause thereof, shall be given to the defendant *One* calendar Month at least before the commencement of any such Action, and the defendant in such Action may plead the General Issue, and give this Act and any other matter or thing in evidence at any Trial to be had thereupon; and if the cause of action shall

shall appear to arise from or in respect of any matter or thing done in pursuance and by the authority of this Act, or if any such Action shall be brought after the expiration of such *Three* calendar Months, or shall be brought in any other county or place than as aforesaid, or if notice of such Action shall not have been given in manner aforesaid, or if tender of sufficient amends shall have been made before such Action commenced, or if a sufficient sum of money shall have been paid into Court after such Action commenced, by or on behalf of the defendant, the Jury shall find a verdict for the defendant; and if a verdict shall pass for the defendant, or if the plaintiff shall become nonsuit, or shall discontinue any such Action, or if on demurrer or otherwise judgment shall be given against him, the Defendant shall recover his full costs of suit as between attorney and client, and shall have the like remedy for the same as every defendan may have for costs of suit in other cases at law; and although a verdict shall be given for the plaintiff in any such Action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial shall be had shall certify his approbation of the Action and of the verdict obtained thereon.

27. Construction of Terms used in the Act.

AND in order to avoid the repetition, and to prevent any misconstruction of the terms and expressions used in this Act; BE it further Enacted, That whenever in this Act, with reference to any person, cattle, animal, matter or thing, any word or words is or are used importing the singular number or the masculine or feminine gender only, yet such word or words shall be understood to include several persons or animals, as well as one person or animal, and females as well as males, and several matters or things as well as one matter or thing, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction; and that where the word "Cattle" is used alone in this Act, the same shall be understood and taken for any horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep or lamb, or any other cattle or domestic animal.

5 WILL. IV.—Sess. 1835.

A

B I L L

To consolidate and amend the several Laws relating to the cruel and improper Treatment of Animals, and the Mischiefs arising from the Driving of Cattle, and to make other Provisions in regard thereto.

(*Prepared and brought in by Mr. Pease and Sir George Strickland.*)

Ordered, by The House of Commons, *to be Printed,*
27 *March* 1835.

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5 *June* 1835.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To consolidate and amend the several Laws relating to the cruel and improper Treatment of Animals, and the Mischiefs arising from the Driving of Cattle, and to make other Provisions in regard thereto.

[N. B.—*The Clauses marked* (A.), (B.) *and* (C.) *were added by the Committee.*]

WHEREAS frequent accidents arise from improperly driving Cattle, and many and great cruelties are practised by improperly driving and conveying Cattle to at and from Public Markets and otherwise, as well as in slaughtering and keeping and detaining the same without Food and Nourishment, to the great and needless increase of the sufferings of Dumb Animals and to the demoralization of the People, and whereby the Lives and Property of His Majesty's Subjects are greatly endangered and injured: Preamble.

And whereas it is expedient to reduce into one Act, and to alter, amend and enlarge the powers and provisions of the several Acts now in force relating to the cruel and improper treatment of Cattle, and the mischiefs arising from the driving thereof, and also to prevent as far as possible the cruel and improper treatment of Cattle and other Animals, and to make divers provisions in regard thereto;

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the two several Acts next hereinafter mentioned; (that is to say) an Act passed in the twenty-first year of the reign of King GEORGE the Third, intituled, "An Act to prevent the Mischiefs that arise from driving Cattle within the Cities of

1. Certain Acts and parts of Acts repealed; namely, 21 G. 3. 67. and

London and *Westminster* and Liberties thereof and Bills of Mortality;"
3 G. 4. c. 71 and an Act passed in the third year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to prevent the cruel and improper Treatment of Cattle;" and so much of an Act passed in the third year of the reign of His present Majesty, intituled, "An Act for the more effectual Administration of Justice in the Office of a Justice of the Peace in the several Police Offices established in the Metropolis, and for the more effectual Prevention of Depredations on the River *Thames* and its Vicinity for Three Years," as recites and enacts as follows; (that is to say) "And whereas an Act passed in the twenty-first year of the reign of King GEORGE the Third, intituled, 'An Act to prevent the Mischiefs that arise from driving Cattle in the Cities of *London* and *Westminster* and Liberties thereof and Bills of Mortality,' has been found ineffectual for the prevention of such mischiefs, and it is expedient to extend the powers and enlarge the limits of the said Act; Be it therefore Enacted, That all the powers and provisions of the said Act shall extend and be in force within the distance of Five Miles from *Temple Bar*, as fully and effectually as if such limits had been originally inserted in the said Act, and that if any Person not being employed to drive cattle shall within the said limits pelt with stones, brick-bats, or by any other means hunt or drive away, or shall set any dog at any ox, heifer, cow, steer or other cattle, contrary to the provisions of the said Act, such Person shall, upon being convicted thereof, according to the said Act, forfeit and pay on the first conviction any sum not exceeding Forty Shillings nor less than Twenty Shillings, and on the second and every future conviction any sum not exceeding Five Pounds nor less than Fifty Shillings, to the Person or Persons who shall prosecute such offender to conviction, and in default of payment shall be committed to the Common Gaol or House of Correction, there to be kept to hard labour for any time not exceeding Two Months on the first conviction, nor Five Months on the second and every future conviction, in the manner prescribed by the said Act, unless the penalty be sooner paid: And whereas divers places in and about the Metropolis are kept and used for the purpose of fighting or baiting of Bears or other Animals, at which places idle and disorderly Persons commonly assemble, to the interruption of good order and the danger of the public peace; Be it therefore Enacted, That any Person who shall, within Five Miles of *Temple Bar*, keep or use, or shall act in the management or conducting of any premises or place whatsoever for the purpose of fighting or baiting of bears, cock-fighting, baiting or fighting of badgers or other animals, shall on conviction thereof before any One Justice of the Peace, forfeit any sum not exceeding Five Pounds, and in default of immediate payment shall be liable to be imprisoned and kept to hard labour for any time not exceeding Two Months, unless the said penalty shall be sooner paid," shall be, and the same are hereby severally Repealed, and made null and void to all intents

and

and purposes, save and except as to any penalties or forfeitures incurred and not recovered, and to any offences or other matters committed and done before the passing of this Act.

2.

Any Person wantonly or cruelly beating or otherwise ill-treating any Cattle, &c.;

or improperly driving the same, whereby any mischief shall be done;

or otherwise misbehaving by ill-treating such Cattle, &c.

And be it further Enacted, That if any Person shall from and after the passing of this Act wantonly or cruelly beat, abuse, torture, whip, ill-treat, bait or keep without sufficient food and nourishment for a longer space of time than Twenty-four Hours any horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep, lamb, dog or any other cattle or domestic animal; or if any Person who shall drive any cattle within the Cities of *London* or *Westminster*, or the Liberties thereof, or elsewhere, shall, by negligence, carelessness or ill-usage in the driving thereof, be the means whereby any mischief, damage or injury shall be done by any such cattle; or if any such driver shall in anywise misbehave himself in the driving, care, management or treatment of any such cattle or animals, or if any Person shall drive or convey, or cause or procure to be driven or conveyed in any waggon, cart or otherwise, any calf, sheep, lamb or other animal, either to or from any public market or otherwise, in any cruel manner, or so as to cause unnecessary torture or pain to any such animal, every such offender being convicted of any or either of the said offences before any one Justice of the Peace for the city, town or county in which any such offence shall have been committed, or for any adjoining county, shall for every such offence forfeit and pay (over and above the amount of the damage or injury (if any) done thereby, which damage or injury shall and may be ascertained and determined by such Justice) such a sum of money, not exceeding Five Pounds, nor less than Five Shillings, with costs, as to such Justice shall seem meet, or the offender shall at the discretion of such Justice be committed to the Common Gaol or House of Correction for the city, town or county in which such offence shall have been committed, there to be imprisoned for any time not exceeding One calendar Month, nor less than Seven Days, at the discretion of such Justice; and if any Person so convicted shall afterwards be guilty of any or either of the said offences, and shall be convicted thereof by any such Justice as aforesaid, every such offender shall for every second or subsequent offence be committed to the Common Gaol or House of Correction for the city, town or county in which the offence shall have been committed, there to be kept to hard labour for any term not exceeding Three calendar Months, nor less than One calendar Month, as such Justice shall think fit.

shall, upon conviction, be fined or committed to Prison, at the discretion of a Justice;

and in case of a second offence, be committed to Prison.

3.

Court of Mayor and Aldermen of the City of London, and Court of Quarter Session for other

And be it further Enacted, That it shall and may be lawful to and for the Court of Mayor and Aldermen for the time being of the City of *London*, and to and for the Courts of Quarter Sessions for every other city, town or county within their respective jurisdictions, to

Counties, to make Rules and Regulations.

make, frame and set down in writing such reasonable Rules, Orders or Ordinances as to such Courts respectively shall seem meet and proper for governing and regulating all Persons who shall drive or cause to be driven, or who shall convey or cause to be conveyed any cattle or animals within the said cities of *London* or *Westminster* and liberties thereof or elsewhere, under their respective jurisdictions, and also for the governing and regulating all Public Markets or Fairs for the sale of cattle; and all houses, rooms, buildings, sheds, cellars, ground and other places used either for the purpose of slaughtering or killing any cattle, or for the purpose of keeping or detaining, or in which shall be kept or detained, any cattle or animals (such cattle or animals not being the private property of the owner of any such house or other place as aforesaid); and for the humane and proper treatment of any such cattle or animals as may from time to time be therein, and also to order, direct and declare such reasonable Penalties and Forfeitures for the breach of any such Rules, Orders and Ordinances, not exceeding Five Pounds, nor less than Five Shillings, for any and every offence, as to them the said Court of Mayor and Aldermen and Justices respectively shall seem meet and proper, and such Rules, Orders and Ordinances, or any of them from time to time, and at all times, to alter and amend as such Courts respectively shall think meet and proper.

4. Any one Justice to determine as to Offences against such Rules, &c.

And be it further Enacted, That any one Justice of the Peace of the cities of *London* or *Westminster* or elsewhere, within whose jurisdiction any offence as aforesaid shall be committed, shall have power and authority to hear and determine in a summary way complaints of offences that shall be committed contrary to any of the Rules, Orders or Ordinances at any time to be made by the said Court of Mayor and Aldermen and Justices respectively, in pursuance of this Act; and if any Person shall be convicted of any such offence as last aforesaid, it shall be lawful for such Justice to impose upon such offender for the said offence, and require him to pay the penalty or forfeiture which shall be instituted in and by the said Rules, Orders and Ordinances, with costs; and if the Person so convicted shall neglect or refuse forthwith to pay the same, it shall and may be lawful for such Justice immediately to commit such Person to the Common Gaol or House of Correction for the city, town or county within the jurisdiction of such Justice, there to be kept and detained for any time not exceeding One calendar Month, unless the said penalty or forfeiture and costs shall be sooner paid.

5. Abstract of Rules, &c. to be published.

And be it further Enacted, That an Abstract of the several Rules, Orders and Ordinances so to be made from time to time by the said Courts of Mayor and Aldermen, and Justices respectively shall, within Fourteen Days after the making of such Rules, Orders and Ordinances, be printed or painted and affixed upon such of the most conspicuous

spicuous places within the said cities of *London* and *Westminster* and liberties thereof, and elsewhere, in such manner as the said Courts respectively shall think proper and from time to time to order.

6. Vestries to appoint Inspectors of Public Markets, &c.

And be it further Enacted, That such of the inhabitants of each and every parish as are by law entitled to assemble and vote in and at any Vestry of such respective parishes, shall and are hereby authorized and empowered to assemble and meet at and in such respective Vestries on the Thirty-first day of July next after the passing of this Act, or within Seven Days thereafter; and also on the Thirty-first day of July in each succeeding year, or within Seven Days next after such respective periods, or on such other days as to the Vestries of such respective parishes shall seem meet and proper, and shall then and there from time to time nominate and appoint one or more person or persons, and for so long a period, not exceeding Two years, as to such respective Vestries shall seem meet and proper; but so that there shall be always at least one such Person constantly subsisting to be an Inspector or Inspectors of each and every public Market or Fair for the sale of cattle, and of every house, building, stable, shed, cellar, ground or premises in which any cattle shall be kept or detained for the purpose of being slaughtered or for sale or otherwise (such cattle not being the property of the owner or occupier of any such place), and also of every house, room, pit, ground or other place kept for the purpose of baiting or running bulls, or baiting or fighting bears, dogs or other animals (whether of a domestic or wild nature or kind), or fighting cocks, as shall be situate within their respective parishes.

7. Duties of Inspectors.

And be it further Enacted, That every Inspector so to be from time to time nominated and appointed as aforesaid, shall and may and is hereby authorized and required, without any other authority or warrant than this Act, from time to time to attend at all and every the public markets and fairs for the sale of cattle within their respective parishes, and also from time to time and at all times whenever such Inspector shall have been previously authorized by warrant under the hand and seal of any one Justice of the Peace having jurisdiction within such parish, to enter any house, building, stable, shed, cellar, ground or premises in which any cattle shall be kept or detained for the purpose of being slaughtered or for sale or otherwise (such cattle not being the property of the owner or occupier of any such place), and also to enter into any and every house, room, pit, ground or other place kept for the purpose of baiting or running bulls, or baiting or fighting bears, dogs or other animals, or fighting cocks, and then and there from time to time to examine and take an account of the manner in which any cattle are slaughtered, treated, used or kept, or any bulls, bears, dogs or other animals are baited or fought, and then and there from time to time to remain and continue for so long a period or periods as to such

Inspector shall seem right and proper; and in case such Inspector shall at any time see any person wantonly or cruelly beat, abuse, torture, ill-treat or bait any horse, mare, gelding, bull, ox, cow, calf, mule, ass, sheep, lamb or any other cattle, or in any manner aid or assist in the baiting, running, fighting or ill-treating of any bull, bear, dog or other animal, or fighting cocks; or if any such Inspector shall at any time see any person misbehave himself by improperly or cruelly driving, ill-treating, torturing, beating or ill-using any such cattle, or baiting, running or fighting any bull, bear, dog or other animal; or shall see any person drive or convey in any waggon, cart or otherwise, any calf, sheep, lamb or other animal, either to or from any public market or otherwise in any cruel manner, and so as to cause unnecessary torture or pain to any such cattle, such Inspector is hereby empowered and required in each and every such case to use his utmost endeavour forthwith as far as possible to prevent the repetition or continuance of any such offence, and also to seize and secure by the authority of this Act, and forthwith and without any other authority or warrant to convey such offender before any Justice of the Peace within whose jurisdiction the offence shall have been committed, or before any Justice of the Peace of any adjoining city, town or county to be dealt with according to law.

8. Any Justice may appoint Inspectors.

And be it further Enacted, That it shall and may be lawful to and for any one of His Majesty's Justices of the Peace for the cities of *London* or *Westminster* or elsewhere, from time to time and whenever he shall think fit, by warrant under his hand and seal, to nominate and appoint any person to be an Inspector of each and every public market and fair for the sale of cattle, and of each and every such house, building, ground or premises so to be used for the purposes aforesaid, or any of them, within their respective jurisdictions, for such a period as such Justice shall think fit and proper, not exceeding Twelve calendar months; and every person so nominated and appointed by any such Justice as aforesaid, shall have the like powers and authorities and be subject to the same duties as hereinbefore provided and directed in regard to the Inspectors to be appointed at the Vestries of the several Parishes as hereinbefore mentioned.

9. Inspectors may enter and view Slaughter-houses, Pits, &c. on special Warrant from a Justice.

And be it further Enacted, That if upon information given on oath before any Justice of the Peace, it shall appear to such Justice that any person is wantonly or cruelly beating, abusing, torturing, or ill-treating, or that there is reasonable cause for suspecting that any person is committing, or is about to commit, any wanton cruelty upon or towards any cattle or domestic animal, or that any person is baiting, running, or fighting, or is about to bait, run, or fight, or to aid and assist in baiting, running or fighting any bull, bear, dog or other animal (whether of a domestic or wild nature or kind) or fighting cocks in any slaughter-house, building, stable, shed, cellar, room, ground, public street or place within the jurisdiction of any such Justice, it shall and may be lawful

lawful to and for such Justice, by special warrant under his hand and seal, directed to any Inspector to be appointed as hereinbefore mentioned, or to any Constable within the jurisdiction of such Justice, to cause every such place in which any such cruelty is, or is suspected to be committed as aforesaid, to be entered and searched at any time of the day or by night, if power for that purpose be especially given in and by such warrant; and such Justice, if it shall appear to him necessary, may moreover empower such Inspector or Constable with any such assistance as to the said Justice may appear, or by such Inspector or Constable shall be found necessary, such Inspector or Constable having previously made known his authority to use force for making such entry, whether by breaking open doors or otherwise, and to remain and continue in and upon such place so entered aforesaid, any reasonable length of time for effecting the object of such search and entry; and if upon search so made any Person shall be found wantonly or cruelly beating, abusing, torturing or ill-treating any cattle or domestic animal, or baiting, running or fighting any bull, bear, dog or other animal, or fighting cocks, or aiding or assisting therein, then and there to seize and secure, and forthwith to convey every such offender before the said Justice or any other Justice of the Peace within whose jurisdiction the offence shall have been committed, to be dealt with according to law.

10. Inspectors to be paid by Overseers.

And be it further Enacted, That it shall and may be lawful to and for the inhabitants of each and every parish so from time to time to be assembled in Vestry as hereinbefore provided, to order and direct what (if any) sum or sums of money shall be from time to time paid to such Inspector so to be appointed at such Vestry, as a reasonable compensation for his loss of time and trouble in executing the duties hereinbefore directed to be performed by him; and such sum or sums of money as shall or may so be ordered and directed from time to time to be paid to such Inspector as aforesaid, shall be paid to him by the Overseers for the time being of the poor of the parish in which such Inspector shall have been so appointed as aforesaid, out of the poor's rate of the said parish.

11. Persons keeping Pits for fighting Dogs or baiting Bears, &c. guilty of Nuisance, and liable to Penalties.

AND whereas cruelties are greatly promoted and encouraged by Persons keeping houses, rooms, pits, grounds or other places for the fighting or baiting of dogs, bulls, bears or other animals, and for fighting cocks, and by Persons aiding or assisting therein, and the same are great nuisances and annoyances to the neighbourhood in which they are situate, and tend to demoralize those who frequent such places; BE it therefore Enacted, That from and after the passing of this Act, if any Person shall keep or use any house, room, pit, ground or other place for the purpose of running, baiting or fighting any bull, bear, badger, dog or other animal (whether of domestic or wild nature or kind),

kind), or for cock-fighting, or in which any bull, bear, badger, dog or other such animal shall be baited, run or fought, every such Person shall be deemed guilty of a Misdemeanor, and shall also be liable to a penalty not exceeding Five Pounds, nor less than Ten Shillings, for every day in which he shall so keep and use such house, room, pit, ground or place for any of the purposes aforesaid: Provided always, That the Person who shall act as the owner, proprietor, or manager of any such house, room, pit, ground or other place, or who shall receive any money for the admission of any Person thereto, or who shall assist in any such baiting or fighting or bull-running, shall be deemed and taken to be the keeper or owner of the same for the purposes of this Act, and be liable to all such penalties as are by this Act imposed upon the Person who shall actually keep any such house, room, pit, ground or other place for the purposes aforesaid.

12. Lords of Manors impounding Cattle to provide sufficient food for them.

AND whereas great cruelties are practised by reason of keeping and detaining horses, asses and other cattle impounded and confined without food frequently for many days: FOR Remedy whereof; BE it Enacted, That from and after the passing of this Act every constable or other person acting by or under the authority of any Lord of a Manor, and every other person whomsoever who shall impound or confine, or cause to be impounded or confined, any horse, ass or other cattle or animal in any common pound, open pound or close pound, or in any inclosed place, shall and he is hereby required to find, provide and supply such horse, ass and other cattle or animal so impounded or confined daily with good and sufficient food and nourishment for so long a time as such horse, ass or other cattle or animal shall remain and continue so impounded or confined as aforesaid; and every such person who shall so find, provide and supply any such horse, ass or other cattle or animal with such daily food and nourishment as aforesaid, shall and may and he and they are hereby authorized and empowered to recover of and from the owner or owners of such cattle or animal not exceeding Double the full value of the food and nourishment so supplied to such cattle or animal as aforesaid by proceeding before any one Justice of the Peace within whose jurisdiction such cattle or animal shall have been so impounded and supplied with food as aforesaid, in like manner as any penalty or forfeiture or any damage or injury may be recovered under and by virtue of any of the powers or authorities in this Act contained, and which value of the food and nourishment so to be supplied as aforesaid such Justice is hereby fully authorized and empowered to ascertain, determine and enforce as aforesaid; and every person who shall have so supplied such food and nourishment as aforesaid, shall be at liberty, if he shall so think fit, instead of proceeding for the recovery of the value thereof as last aforesaid, to sell any such horse, ass or other cattle or animal openly at any public market (after having given Three Days' public notice thereof) for the most money that

can

can be then got for the same, and to apply the produce in discharge of the value of such food and nourishment so supplied as aforesaid, and the expenses of and attending such sale, rendering the overplus (if any) to the owner of such cattle or animal.

13. Persons may enter Pounds for the purpose of feeding Cattle.

And be it further Enacted, That in case any horse, ass or other cattle or animal shall at any time so remain impounded or confined as aforesaid without sufficient daily food or nourishment more than Twenty-four Hours, it shall and may be lawful to and for any Person or Persons whomsoever from time to time, and as often as shall be necessary, to enter into and upon any such common pound, open pound or close pound or other inclosed place in which any such cattle or animal shall be so impounded or confined, and to supply such cattle or animal with such good and sufficient food and nourishment during so long a time as such cattle or animal shall so remain and continue impounded or confined as aforesaid, without being liable to any action of trespass or other proceeding by any Person or Persons whomsoever for or by reason of such entry or entries for the purposes aforesaid.

14. Penalty on Lord of the Manor neglecting to feed impounded Cattle.

And be it further Enacted, That in case any such Lord of a Manor or other person who shall so impound or confine, or cause to be impounded or confined, any such horse, ass or other cattle or animal as aforesaid, shall refuse or neglect to find, provide and supply such daily good and sufficient food and nourishment to such cattle and animal so impounded or confined as aforesaid, he and they shall for every day during which he or they shall so refuse or neglect to find, provide and supply the same as aforesaid, forfeit and pay the sum of Five Shillings to any person or persons who shall have found, provided and supplied any such horse, ass or cattle or animal, with such good and sufficient food and nourishment as aforesaid, for every day during which the same shall have been so found and supplied as last aforesaid; which last sum and sums of money shall and may be recoverable by proceeding before any one Justice of the Peace in like manner as hereinbefore provided for the recovery of any penalty, forfeiture, damage or injury as hereinbefore mentioned.

15. Clause (A.) As to slaughtering Horses, &c.

AND whereas great cruelty is practised by reason of diseased, old, and worn-out Horses sold or taken to Knackers or Slaughtermen for the purpose of slaughter, being frequently resold or compelled to work, or kept without sufficient food; FOR Remedy whereof; BE it further Enacted, That if any Person keeping or using any house or place for the purpose of slaughtering or killing any horse or cattle (which shall not be for butcher's meat), shall at any time hereafter slaughter or kill any horse or cattle (not being for butcher's meat), without having previously taken out a License for that purpose, according to the provisions of an Act of Parliament passed in the twenty-sixth year of the reign of King George the Third, intituled, "An Act for regulating Houses and other Places kept for the purpose of slaughtering Horses,"

every such Person shall for every such offence forfeit and pay any sum not exceeding Five Pounds, nor less than Ten Shillings, and be also liable to the same punishment as in the said Act is provided in case of not taking out such License as aforesaid.

16. Clause (B.) Horses to be slaughtered within Three Days after purchase, and during interim to be provided with Food.

And be it further Enacted, That every Person so keeping or using any house or place for the purpose of slaughtering or killing horses or other cattle, shall kill and slaughter every such horse or cattle within Three Days next after such horse or other cattle shall have been purchased by or brought and delivered to him, or any Person in his service or employ, for the purposes of slaughter as aforesaid, and shall also in the meantime, and until such horse or other cattle shall have been so slaughtered, find and provide such horse or other cattle with good and sufficient daily food and nourishment, and shall also, at the time of receiving such horse or cattle for the purposes aforesaid enter in the book, which by the said Act of the twenty-sixth of George the Third is required to be kept by such Person for the purposes in the said Act mentioned, a correct description of the colour and gender of the horse so purchased by or delivered to him for the purposes aforesaid, with the date of receiving the same; and if any such horse or other cattle so received for the purpose of being slaughtered as aforesaid, shall be employed in any manner of work, or shall not be supplied with good and sufficient food during the time he shall survive, every such person so receiving every such horse or other cattle, shall for each and every such offence forfeit and pay any sum not exceeding Forty Shillings, nor less than Five Shillings, for every day on which such offence shall be committed or continued.

17. Any Constable or Peace Officer, or other person appointed by any Justice, may seize Offender.

AND for the more easy and effectual apprehension of all offenders against this Act; BE it further Enacted, That when and so often as any of the said offences shall happen, it shall and may be lawful to or for any Constable or other peace officer, or for the owner of any such cattle or animal, or for any other person who shall have been previously appointed Inspector, as hereinbefore mentioned, upon view thereof, or upon the information of any other person (who shall declare his, her or their name or names, and place or places of abode to the said Constable or other peace officer, or other person so authorized as aforesaid) to seize and secure, by the authority of this Act, and forthwith and without any other authority or warrant to convey any such offender before any one Justice of the Peace, within whose jurisdiction the offence shall have been committed, or before any Justice of the Peace of any adjoining city, town or county, to be dealt with according to law, and such Justice shall forthwith proceed to examine upon oath any witness or witnesses who shall appear or be produced to give information touching any such offence (which oath the said Justice is hereby authorized and empowered to administer.)

And

18. As to Names of Offenders.

And be it further Enacted, That if any Person who shall be apprehended for having committed any offence against this Act shall refuse to discover his Name and Place of Abode to the Justice before whom he shall be brought, such Person refusing shall immediately be delivered over to a Constable or other peace officer, and shall by him be conveyed to the Common Gaol or House of Correction for the city, town or county within which the offence shall have been committed, or in which the offender shall have been apprehended, there to remain for a space not exceeding One calendar Month, or until he shall make known his Name and Place of Abode to the said Justice.

19. Limitation as to summary Proceedings.

And be it further Enacted, That the prosecution of every offence punishable under this Act shall be commenced within Three calendar Months next after the commission of the offence, and not otherwise, and the evidence of the party complaining shall be admitted in proof of the offence, and also the evidence of any overseer or inhabitant of the parish in which the offence shall have been committed, notwithstanding any forfeiture or penalty incurred by the offence may be payable to the overseers of the poor of such parish.

20. As to Convictions.

And be it further Enacted, That in every case of a conviction under this Act, where the sum which shall be awarded for the amount of the damage or injury done, or which shall be imposed as a penalty by any such Justice as aforesaid for any offence contrary to this Act, shall not be paid either immediately upon or after the conviction, or within such period as such Justice shall at the time of the conviction appoint, it shall be lawful for such Justice (unless where otherwise specially directed) to commit the offender to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such Justice, for any term not exceeding Two calendar Months, where the amount of the sum awarded or the penalty imposed, or both (as the case may be), together with the costs, shall not exceed Five Pounds, and for any term not exceeding Four calendar Months, where the amount with costs shall exceed Five Pounds, but shall not exceed Ten Pounds, and for any term not exceeding Six calendar Months in any other case; the commitment to be determinable in each of the cases aforesaid upon payment of the sum or sums awarded and costs.

21. Mode of proceeding for Penalties, &c.

And be it further Enacted, That it shall be lawful for any one such Justice as aforesaid, in all cases in which no other mode of proceeding is specially provided or directed by this Act, or in any case where any Person shall not be conveyed before any Justice by the authority of this Act, upon information or complaint made by any Person of any offence against the provisions of this Act, within Fourteen Days next after the commission of any such offence, to summon the Party accused,

to appear before such Justice, or before any other Justice of the Peace, at a time and place to be by him named; and either on the appearance of the Party accused, or in default thereof, it shall be lawful for such Justice, or any other Justice, at the time and place to be appointed for such appearance, to proceed to examine into the matter, and upon due proof made thereof, by voluntary confession of the Party, or by oath of one or more credible witness or witnesses, to award, order, give judgment or convict for the damage or injury, penalty or forfeiture, as the case may be.

22. CLAUSE (C.) Form of Conviction.

And be it further Enacted, That in every case where there shall be a conviction for any offence contrary to this Act, the same shall be drawn or made out according to the Form following, or to the effect thereof, or as near thereto as the case shall require; (*videlicet*)

"County [*or, as the case may be*] of } BE it Remembered, That on the day of in the year of our Lord at in the County of [*or, as the case may be*] of *A. B.* is convicted before me, *J. P.* one of His Majesty's Justices of the Peace for the said County, [*or, as the case may be*]; for that he the said *A. B.* on the day of in the year at in the said did [*here specify the offence; and on a second conviction state the first*]; and I the said *J. P.* do adjudge the said *A. B.* for his said offence to forfeit and pay the sum of [*here state the Penalty actually imposed, or the Penalty and also the amount of the injury done, or, as the case may be*]; and also to pay the sum of for costs; and in default of immediate payment of the said sums, to be imprisoned in the [*or, in case of a second or subsequent conviction,* to be there kept to hard labour] for the space of unless the said sums shall be sooner paid; and I direct that the said sum of [*the Penalty*] shall be paid as follows; that is to say, one Moiety thereof to the Overseers of the Poor of the said Parish of to be by them applied according to the directions of the Statute in that case made and provided, and the other Moiety thereof to *C. D.* of [*the Prosecutor, or, as the case may be*]; and that the said sum of [*the sum for the amount of injury done, if any sum is awarded*] shall be paid to *E. F.* [*or*, the said *C. D., as the case may be*]; and I order that the said sum of for Costs shall be paid to the said *C. D.*

"Given under my hand and seal, the day and year first above mentioned."

And

23. Service of Justice's Summons.

And be it further Enacted, That any Summons issued by any such Justice requiring the appearance of any defendant, against any of the provisions of this Act, shall be deemed and taken to be well and sufficiently served in case either the Summons or Copy thereof be served personally on such person as aforesaid, or be left at his usual or last known place of abode, in whatever county the same may be so served or left.

24. Penalty on Constable refusing to serve Summons, &c.

And be it further Enacted, That if any Constable or other peace officer shall refuse or neglect to serve or execute any such summons or warrant, granted or issued by any Justice of the Peace, pursuant to any of the provisions of this Act, every such Constable or peace officer so offending, and being convicted thereof upon the information of any person before any Justice of the Peace, shall forfeit any sum, not exceeding Five Pounds, as shall be awarded by such Justice, and in default of payment thereof, shall be committed by such Justice to the County Gaol or House of Correction of the city, town or county in which such Justice has jurisdiction, there to be kept for the space of time not exceeding One calendar Month, unless such penalty shall be sooner paid.

25. Distribution of Penalties, &c.

And be it further Enacted, That all pecuniary Penalties which shall be recovered before any Justice of the Peace under the provisions of this Act, shall respectively be divided, paid and distributed in the following manner; (that is to say) one moiety thereof to the Overseers of the Poor of the parish in which any of the offences aforesaid shall have been committed, to be by such Overseers distributed to such of the Poor of their respective parishes as such Overseers shall think fit and proper, and the other moiety thereof, with full costs, to the person who shall inform and prosecute for the same, or to such other person as to such Justice shall seem fit and proper; and that all and every sum or sums of money which shall or may be ascertained, determined, adjudged and ordered by any Justice of the Peace, under the authority of this Act, to be paid as the amount of any damage or injury occasioned by the commission of any of the offences hereinbefore mentioned, shall be paid to the person who shall or may have sustained such damage or injury, according to the order or determination, and at the discretion of any such Justice.

26. Informants or Complainants not disqualified.

And be it further Enacted, That upon the hearing of any information or complaint exhibited or made under any of the provisions of this Act, any Person giving or making such information or complaint or other Person, shall be deemed and is hereby declared to be a competent witness, notwithstanding he may be entitled to any part of the pecuniary penalty, on the conviction of any offender, upon any such information or complaint as aforesaid.

27. Limitation of Actions.

And be it further Enacted, That all Actions and Prosecutions which may be brought or commenced against any person for any thing done in pursuance or under the authority of this Act, shall be commenced within One calendar Month next after the fact committed, and not afterwards, and shall be brought and tried in the county or place where the cause of Action shall arise, and not elsewhere, and notice in writing of any such Action, and specifying the cause thereof, shall be given to the defendant Fourteen clear Days at least before the commencement of any such Action, and the defendant in such Action may plead the General Issue, and give this Act and any other matter or thing in evidence at any Trial to be had thereupon; and if the cause of action shall appear to arise from or in respect of any matter or thing done in pursuance and by the authority of this Act, or if any such Action shall be brought after the expiration of One calendar Month, or shall be brought in any other county or place than as aforesaid, or if notice of such Action shall not have been given in manner aforesaid, or if tender of sufficient amends shall have been made before such Action commenced, or if a sufficient sum of money shall have been paid into Court after such Action commenced, by or on behalf of the defendant, the Jury shall find a verdict for the defendant; and if a verdict shall pass for the defendant, or if the plaintiff shall become nonsuit, or shall discontinue any such Action, or if on demurrer or otherwise judgment shall be given against him, the Defendant shall recover his full costs of suit as between attorney and client, and shall have the like remedy for the same as every defendant may have for costs of suit in other cases at law; and although a verdict shall be given for the plaintiff in any such Action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial shall be had shall certify his approbation of the Action and of the verdict obtained thereon.

28 Construction of Terms used in the Act.

AND in order to avoid the repetition, and to prevent any misconstruction of the terms and expressions used in this Act; BE it further Enacted, That whenever in this Act, with reference to any person, cattle, animal, matter or thing, any word or words is or are used importing the singular number or the masculine or feminine gender only, yet such word or words shall be understood to include several persons or animals, as well as one person or animal, and females as well as males, and several matters or things as well as one matter or thing, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction; and that where the word "Cattle" is used alone in this Act, the same shall be understood and taken for any horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep or lamb, or any other cattle or domestic animal.

5 WILL. IV.—Sess. 1835.

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B I L L

[AS AMENDED BY THE COMMITTEE]

To consolidate and amend the several Laws relating to the cruel and improper Treatment of Animals, and the Mischiefs arising from the Driving of Cattle, and to make other Provisions in regard thereto.

(*Prepared and brought in by Mr. Pease and Sir George Strickland.*)

Ordered, by The House of Commons, *to be Printed,*
5 *June* 1835.

11 *August* 1835.

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B I L L

[AS AMENDED ON RE-COMMITMENT]

To consolidate and amend the several Laws relating to the cruel and improper Treatment of Animals, and the Mischiefs arising from the Driving of Cattle, and to make other Provisions in regard thereto.

[N. B.—*The Clauses marked* (A.) *to* (C.) *were added in the Committee, and Clause* (a.) *on the Re-commitment.*]

WHEREAS frequent accidents arise from improperly driving Cattle, and many and great cruelties are practised by improperly driving and conveying Cattle to at and from Public Markets and otherwise, as well as in slaughtering and keeping and detaining the same without Food and Nourishment, to the great and needless increase of the sufferings of Dumb Animals and to the demoralization of the People, and whereby the Lives and Property of His Majesty's Subjects are greatly endangered and injured: Preamble.

And whereas it is expedient to reduce into one Act, and to alter, amend and enlarge the powers and provisions of several Acts now in force relating to the cruel and improper treatment of Cattle, and the mischiefs arising from the driving thereof, and also to prevent as far as possible the cruel and improper treatment of Cattle and other Animals, and to make divers provisions in regard thereto;

BE it therefore Enacted, by The KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the Act hereinafter mentioned; (that is to say) an Act passed in the third year of the reign of his late Majesty King George the Fourth, intituled, "An Act to prevent the cruel and improper Treatment of Cattle," and so much of an Act passed in the third year of the reign of His present Majesty, intituled, "An Act for the more effectual Administration of Justice in the office of a Justice of Peace in the several Police Offices established in the

1. Certain Act and parts of an Act repealed; namely, 3 G. 4. c. 71.

the Metropolis, and for the more effectual prevention of Depredations on the River *Thames*, and its vicinity, for three years," as recites and enacts as follows; (that is to say) " And whereas divers places in and about the Metropolis are kept and used for the purpose of fighting or baiting of Bears or other Animals, at which places idle and disorderly Persons commonly assemble, to the interruption of good order and the danger of the public peace; BE it therefore Enacted, That any Person who shall, within Five Miles of *Temple Bar*, keep or use, or shall act in the management or conducting of any premises or place whatsoever for the purpose of fighting or baiting of bears, cock-fighting, baiting or fighting of badgers or other animals, shall on conviction thereof before any One Justice of the Peace, forfeit any sum not exceeding Five Pounds, and in default of immediate payment shall be liable to be imprisoned and kept to hard labour for any time not exceeding Two Months, unless the said penalty shall be sooner paid," shall be, and the same are hereby severally Repealed, and made null and void to all intents and purposes, save and except as to any penalties or forfeitures incurred and not recovered, and to any offences or other matters committed and done before the passing of this Act.

2. Any Person wantonly or cruelly beating or otherwise ill-treating any Cattle, &c.; or improperly driving the same, whereby any mischief shall be done; shall, upon conviction, be fined or committed to Prison.

And be it further Enacted, That if any Person shall from and after the passing of this Act wantonly and cruelly beat, abuse or torture any horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep, lamb, dog or any other cattle or domestic animal; or if any Person who shall drive any cattle shall, by negligence or ill-usage in the driving thereof, be the means whereby any mischief, damage or injury shall be done by any such cattle, every such offender being convicted of any or either of the said offences before any one Justice of the Peace for the city, town or county in which any such offence shall have been committed, shall for every such offence forfeit and pay (over and above the amount of the damage or injury (if any) done thereby, which damage or injury shall and may be ascertained and determined by such Justice) such a sum of money, not exceeding Forty Shillings, nor less than Five Shillings, with costs, as to such Justice shall seem meet, or the offender shall in default of payment, be committed to the Common Gaol or House of Correction for the city, town or county in which such offence shall have been committed, there to be imprisoned for any time not exceeding Fourteen Days; provided that nothing in this Act contained shall prevent or abridge any remedy by action against the employer of any such offender where the amount of the damage is not sought to be recovered by virtue of this Act.

3. Persons keeping Pits for fighting Dogs or baiting Bears, &c. guilty of Nuisance, and liable to Penalties.

AND whereas cruelties are greatly promoted and encouraged by Persons keeping houses, rooms, pits, grounds or other places for the fighting or baiting of dogs, bulls, bears or other animals, and for fighting cocks, and by Persons aiding or assisting therein, and the same

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are great nuisances and annoyances to the neighbourhood in which they are situate, and tend to demoralize those who frequent such places; BE it therefore Enacted, That from and after the passing of this Act, if any Person shall keep or use any house, room, pit, ground or other place for the purpose of running, baiting or fighting any bull, bear, badger, dog or other animal (whether of domestic or wild nature or kind), or for cock-fighting, or in which any bull, bear, badger, dog or other such animal shall be baited, run or fought, every such Person shall be liable to a penalty not exceeding Five Pounds, nor less than Ten Shillings, for every day in which he shall so keep and use such house, room, pit, ground or place for any of the purposes aforesaid: Provided always, That the Person who shall act as the manager of any such house, room, pit, ground or other place, or who shall receive any money for the admission of any Person thereto, or who shall assist in any such baiting or fighting or bull-running, shall be deemed and taken to be the keeper of the same for the purposes of this Act, and be liable to all such penalties as are by this Act imposed upon the Person who shall actually keep any such house, room, pit, ground or other place for the purposes aforesaid.

4. Parties impounding Cattle to provide sufficient food for them.

AND whereas great cruelties are practised by reason of keeping and detaining horses, asses and other cattle and animals impounded and confined without food frequently for many days: FOR Remedy whereof; BE it Enacted, That from and after the passing of this Act every person who shall impound or confine, or cause to be impounded or confined, any horse, ass or other cattle or animal in any common pound, open pound or close pound, or in any inclosed place, shall and he is hereby required to find, provide and supply such horse, ass and other cattle or animal so impounded or confined daily with good and sufficient food and nourishment for so long a time as such horse, ass or other cattle or animal shall remain and continue so impounded or confined as aforesaid; and every such person who shall so find, provide and supply any such horse, ass or other cattle or animal with such daily food and nourishment as aforesaid, shall and may and he and they are hereby authorized and empowered to recover of and from the owner or owners of such cattle or animal not exceeding Double the full value of the food and nourishment so supplied to such cattle or animal as aforesaid by proceeding before any one Justice of the Peace within whose jurisdiction such cattle or animal shall have been so impounded and supplied with food as aforesaid, in like manner as any penalty or forfeiture or any damage or injury may be recovered under and by virtue of any of the powers or authorities in this Act contained, and which value of the food and nourishment so to be supplied as aforesaid such Justice is hereby fully authorized and empowered to ascertain, determine and enforce as aforesaid; and every person who shall have so supplied such food and nourishment as aforesaid, shall be at liberty, if he shall so think fit, instead of proceeding for the recovery

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of the value thereof as last aforesaid, after the expiration of Seven clear Days from the time of impounding the same, to sell any such horse, ass or other cattle or animal openly at any public market (after having given Three Days' public printed notice thereof) for the most money that can be then got for the same, and to apply the produce in discharge of the value of such food and nourishment so supplied as aforesaid, and the expenses of and attending such sale, rendering the overplus (if any) to the owner of such cattle or animal.

5. Persons may enter Pounds for the purpose of feeding Cattle.

And be it further Enacted, That in case any horse, ass or other cattle or animal shall at any time so remain impounded or confined as aforesaid without sufficient daily food or nourishment more than Twenty-four Hours, it shall and may be lawful to and for any Person or Persons whomsoever from time to time, and as often as shall be necessary, to enter into and upon any such common pound, open pound or close pound or other inclosed place in which any such cattle or animal shall be so impounded or confined, and to supply such cattle or animal with such good and sufficient food and nourishment during so long a time as such cattle or animal shall so remain and continue impounded or confined as aforesaid, without being liable to any action of trespass or other proceeding by any Person or Persons whomsoever for or by reason of such entry or entries for the purposes aforesaid.

6. Penalty on Parties neglecting to feed impounded Cattle.

And be it further Enacted, That in case any such person who shall so impound or confine, or cause to be impounded or confined, any such horse, ass or other cattle or animal as aforesaid, shall refuse or neglect to find, provide and supply such daily good and sufficient food and nourishment to such cattle and animal so impounded or confined as aforesaid, he and they shall for every day during which he or they shall so refuse or neglect to find, provide and supply the same as aforesaid, forfeit and pay the sum of Five Shillings; which last sum and sums of money shall and may be recoverable by proceeding before any one Justice of the Peace in like manner as hereinbefore provided for the recovery of any penalty, forfeiture, damage or injury as hereinbefore mentioned.

7. Clause (A.) As to slaughtering Horses, &c.

AND whereas great cruelty is practised by reason of diseased, old, and worn-out Horses sold or taken to Knackers or Slaughtermen for the purpose of slaughter, being frequently resold or compelled to work, or kept without sufficient food; FOR Remedy whereof; BE it further Enacted, That if any Person keeping or using any house or place for the purpose of slaughtering or killing any horse or cattle (which shall not be for butcher's meat), shall at any time hereafter slaughter or kill any horse or cattle (not being for butcher's meat), without having previously taken out a License for that purpose, and without having previously affixed over the outer gate or entrance from the public highway to said licensed premises, the board and inscription in manner and form

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form prescribed according to the provisions of an Act of Parliament passed in the twenty-sixth year of the reign of King GEORGE the Third, intituled, "An Act for regulating Houses and other Places kept for the purpose of slaughtering Horses," every such Person shall for every such offence forfeit and pay any sum not exceeding Five Pounds, nor less than Ten Shillings, or be liable to such punishment as in the said Act is provided.

8. CLAUSE (B.) Horses to be slaughtered within Three Days after purchase, and during interim to be provided with Food.

And be it further Enacted, That every Person so keeping or using any house or place for the purpose of slaughtering or killing horses or other cattle, shall kill and slaughter every such horse or cattle within Three Days next after such horse or other cattle shall have been purchased by or brought and delivered to him, or any Person in his service or employ, for the purposes of slaughter as aforesaid, and shall also in the meantime, and until such horse or other cattle shall have been so slaughtered, find and provide such horse or other cattle with good and sufficient daily food and nourishment, and shall also, at the time of receiving such horse or cattle for the purposes aforesaid enter in the book, which by the said Act of the twenty-sixth of GEORGE the Third is required to be kept by such Person for the purposes in the said Act mentioned, a correct description of the colour and gender of the horse so purchased by or delivered to him for the purposes aforesaid, with the date of receiving the same; and if any such horse or other cattle so received for the purpose of being slaughtered as aforesaid, shall be employed in any manner of work, or shall not be supplied with good and sufficient food during the time he shall survive, every such person so receiving every such horse or other cattle, shall for each and every such offence forfeit and pay any sum not exceeding Forty Shillings, nor less than Five Shillings, for every day on which such offence shall be committed or continued.

9. Any Constable or Peace Officer, or other person appointed by any Justice, may seize Offender.

AND for the more easy and effectual apprehension of all offenders against this Act; BE it further Enacted, That when and so often as any of the said offences shall happen, it shall and may be lawful to or for any Constable or other peace officer, or for the owner of any such cattle or animal, upon view thereof, or upon the information of any other person (who shall declare his, her or their name or names, and place or places of abode to the said Constable or other peace officer, to seize and secure, by the authority of this Act, and forthwith and without any other authority or warrant to convey any such offender before any one Justice of the Peace, within whose jurisdiction the offence shall have been committed, to be dealt with according to law, and such Justice shall forthwith proceed to examine upon oath any witness or witnesses who shall appear or be produced to give information touching any such offence (which oath the said Justice is hereby authorized and empowered to administer.)

10. As to Names of Offenders.

And be it further Enacted, That if any Person who shall be apprehended for having committed any offence against this Act shall refuse to discover his Name and Place of Abode to the Justice before whom he shall be brought, such Person refusing shall immediately be delivered over to a Constable or other peace officer, and shall by him be conveyed to the Common Gaol or House of Correction for the city, town or county within which the offence shall have been committed, or in which the offender shall have been apprehended, there to remain for a space not exceeding One calendar Month, or until he shall make known his Name and Place of Abode to the said Justice.

11. Limitation as to summary Proceedings.

And be it further Enacted, That the prosecution of every offence punishable under this Act shall be commenced within Three calendar Months next after the commission of the offence, and not otherwise, and the evidence of the party complaining shall be admitted in proof of the offence, and also the evidence of any overseer or inhabitant of the parish in which the offence shall have been committed, notwithstanding any forfeiture or penalty incurred by the offence may be payable to the overseers of the poor of such parish.

12. As to Convictions.

And be it further Enacted, That in every case of a conviction under this Act, where the sum which shall be awarded for the amount of the damage or injury done, or which shall be imposed as a penalty by any such Justice as aforesaid for any offence contrary to this Act, shall not be paid either immediately upon or after the conviction, or within such period as such Justice shall at the time of the conviction appoint, it shall be lawful for such Justice (unless where otherwise specially directed) to commit the offender to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such Justice, for any term not exceeding Fourteen Days, where the amount of the sum awarded or the penalty imposed, or both (as the case may be), together with the costs, shall not exceed Five Pounds, and for any term not exceeding Two calendar Months, where the amount with costs shall exceed Five Pounds; the commitment to be determinable in each of the cases aforesaid upon payment of the sum or sums awarded and costs.

13. Mode of proceeding for Penalties, &c.

And be it further Enacted, That it shall be lawful for any one such Justice as aforesaid, in all cases in which no other mode of proceeding is specially provided or directed by this Act, or in any case where any Person shall not be conveyed before any Justice by the authority of this Act, upon information or complaint made by any Person of any offence against the provisions of this Act, within Fourteen Days next after the commission of any such offence, to summon the Party accused, to appear before such Justice, or before any other Justice of the Peace,

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at a time and place to be by him named; and either on the appearance of the Party accused, or in default thereof, it shall be lawful for such Justice, or any other Justice, at the time and place to be appointed for such appearance, to proceed to examine into the matter, and upon due proof made thereof, by voluntary confession of the Party, or by oath of one or more credible witness or witnesses, to award, order, give judgment or convict for the damage or injury, penalty or forfeiture, as the case may be.

14. CLAUSE (C.) Form of Conviction.

And be it further Enacted, That in every case where there shall be a conviction for any offence contrary to this Act, the same shall be drawn or made out according to the Form following, or to the effect thereof, or as near thereto as the case shall require; *(videlicet)*

"County [*or, as the case may be*] of } BE it Remembered, That on the day of in the year of our Lord at in the County of [*or, as the case may be*] of *A. B.* is convicted before me, *J. P.* one of His Majesty's Justices of the Peace for the said County, [*or, as the case may be*]; for that he the said *A. B.* on the day of in the year at in the said did [*here specify the offence; and on a second conviction state the first*]; and I the said *J. P.* do adjudge the said *A. B.* for his said offence to forfeit and pay the sum of [*here state the Penalty actually imposed, or the Penalty and also the amount of the injury done, or, as the case may be*]; and also to pay the sum of for costs; and in default of immediate payment of the said sums, to be imprisoned in the [*or, in case of a second or subsequent conviction,* to be there kept to hard labour] for the space of unless the said sums shall be sooner paid; and I direct that the said sum of [*the Penalty*] shall be paid as follows; that is to say, one Moiety thereof to the Overseers of the Poor of the said Parish of to be by them applied according to the directions of the Statute in that case made and provided, and the other Moiety thereof to *C. D.* of [*the Prosecutor, or, as the case may be*]; and that the said sum of [*the sum for the amount of injury done, if any sum is awarded*] shall be paid to *E. F.* [*or*, the said *C. D.*, *as the case may be*]; and I order that the said sum of for Costs shall be paid to the said *C. D.*

"Given under my hand and seal, the day and year first above mentioned."

15. Service of Justice's Summons.

And be it further Enacted, That any Summons issued by any such Justice requiring the appearance of any defendant, against any of the provisions of this Act, shall be deemed and taken to be well and sufficiently served in case either the Summons or Copy thereof be served personally on such person as aforesaid, or be left at his usual or last known place of abode, in whatever county the same may be so served or left.

16. Penalty on Constable refusing to serve Summons, &c.

And be it further Enacted, That if any Constable or other peace officer shall refuse or neglect to serve or execute any such summons or warrant, granted or issued by any Justice of the Peace, pursuant to any of the provisions of this Act, every such Constable or peace officer so offending, and being convicted thereof upon the information of any person before any Justice of the Peace, shall forfeit any sum, not exceeding Five Pounds, as shall be awarded by such Justice, and in default of payment thereof, shall be committed by such Justice to the County Gaol or House of Correction of the city, town or county in which such Justice has jurisdiction, there to be kept for the space of time not exceeding One calendar Month, unless such penalty shall be sooner paid.

17. Distribution of Penalties, &c.

And be it further Enacted, That all pecuniary Penalties which shall be recovered before any Justice of the Peace under the provisions of this Act, shall respectively be divided, paid and distributed in the following manner; (that is to say) one moiety thereof to the Overseers of the Poor of the parish in which any of the offences aforesaid shall have been committed, to be by such Overseers distributed to such of the Poor of their respective parishes as such Overseers shall think fit and proper, and the other moiety thereof, with full costs, to the person who shall inform and prosecute for the same, or to such other person as to such Justice shall seem fit and proper; and that all and every sum or sums of money which shall or may be ascertained, determined, adjudged and ordered by any Justice of the Peace, under the authority of this Act, to be paid as the amount of any damage or injury occasioned by the commission of any of the offences hereinbefore mentioned, shall be paid to the person who shall or may have sustained such damage or injury, according to the order or determination, and at the discretion of any such Justice.

18. Informants or Complainants not disqualified.

And be it further Enacted, That upon the hearing of any information or complaint exhibited or made under any of the provisions of this Act, any Person giving or making such information or complaint or other Person, shall be deemed and is hereby declared to be a competent witness, notwithstanding he may be entitled to any part of the pecuniary penalty, on the conviction of any offender, upon any such information or complaint as aforesaid.

And

19. Limitation of Actions.

And be it further Enacted, That all Actions and Prosecutions which may be brought or commenced against any person for any thing done in pursuance or under the authority of this Act, shall be commenced within One calendar Month next after the fact committed, and not afterwards, and shall be brought and tried in the county or place where the cause of Action shall arise, and not elsewhere, and notice in writing of any such Action, and specifying the cause thereof, shall be given to the defendant Fourteen clear Days at least before the commencement of any such Action, and the defendant in such Action may plead the General Issue, and give this Act and any other matter or thing in evidence at any Trial to be had thereupon; and if the cause of action shall appear to arise from or in respect of any matter or thing done in pursuance and by the authority of this Act, or if any such Action shall be brought after the expiration of One calendar Month, or shall be brought in any other county or place than as aforesaid, or if notice of such Action shall not have been given in manner aforesaid, or if tender of sufficient amends shall have been made before such Action commenced, or if a sufficient sum of money shall have been paid into Court after such Action commenced, by or on behalf of the defendant, the Jury shall find a verdict for the defendant; and if a verdict shall pass for the defendant, or if the plaintiff shall become nonsuit, or shall discontinue any such Action, or if on demurrer or otherwise judgment shall be given against him, the Defendant shall recover his full costs of suit as between attorney and client, and shall have the like remedy for the same as every defendant may have for costs of suit in other cases at law; and although a verdict shall be given for the plaintiff in any such Action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial shall be had shall certify his approbation of the Action and of the verdict obtained thereon.

20. Clause (a.) Parties dissatisfied with adjudication of any Justice may appeal to Quarter Sessions.

And be it further Enacted, That in case any Person shall consider himself aggrieved by any adjudication or conviction made by any Justice of the Peace under the authority of this Act, such party shall and may appeal against such adjudication or conviction, on giving Fourteen Days' notice of such appeal, and the cause and matter thereof, to such Justice, to the next Quarter Sessions to be held next after the expiration of the said Fourteen Days, in or for the Town, City, Riding, County or Division within which such adjudication or conviction shall have been made; and such Court of Quarter Sessions shall hear and determine the said appeal, and award to the party appealing against or supporting such adjudication or conviction, such Costs as to them shall seem reasonable.

21. Construction of Terms used in the Act.

AND in order to avoid the repetition, and to prevent any misconstruction of the terms and expressions used in this Act; BE it further Enacted, That whenever in this Act, with reference to any person,

 cattle,

cattle, animal, matter or thing, any word or words is or are used importing the singular number or the masculine or feminine gender only, yet such word or words shall be understood to include several persons or animals, as well as one person or animal, and females as well as males, and several matters or things as well as one matter or thing, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction; and that where the word "Cattle" is used alone in this Act, the same shall be understood and taken for any horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep or lamb, or any other cattle or domestic animal.

6 Will. IV.—Sess. 1835.

A

B I L L

[AS AMENDED ON RE-COMMITMENT]

To consolidate and amend the several Laws relating to the cruel and improper Treatment of Animals, and the Mischiefs arising from the Driving of Cattle, and to make other Provisions in regard thereto.

(*Prepared and brought in by*
Mr. Pease and Sir George Strickland.)

Ordered, by The House of Commons, *to be Printed,*
11 *August* 1835.

A

B I L L

To amend the Law relating to the Customs.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS an Act was passed in the third and fourth years of His present Majesty, intituled, "An Act for granting Duties of Customs;" and it is expedient to alter and amend the same in manner hereinafter provided; BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the instead of the Duties now payable under the said Act upon Coffee the produce of the British Possessions within the limits of the East India Company's Charter, and imported from such Possessions, and upon Coffee the produce of Sierra Leone, and imported from thence, there shall be paid for every hundred weight of such Coffee a Duty of *Sixpence*; and that instead of the Duty now payable under the said Act upon Rough Rice or Paddy, the produce of the West Coast of Africa, imported from a British Possession on that coast, there shall be paid for every bushel of such Rice a Duty of *One* Penny; and that for every hundred weight of Pearl or Pot Ashes of foreign production, imported from a British Possession in Europe, there shall be paid a Duty of *Six* Shillings, any thing in the said Act permitting such Ashes to be so imported duty-free to the contrary notwithstanding.

Preamble: 3 & 4 Will. 4.

1. Regulating the Duty on certain Articles.

And be it further Enacted, That the Duties imposed by this Act shall be raised, levied, collected and paid unto His Majesty in like manner as if such Duties had been imposed by the said former Act, and had been set forth in the Table of Duties thereunto annexed.

2. Duties imposed by this Act to be collected and paid like Duties imposed by former Act.

6 WILL. IV.—Sess. 1835.

A

B I L L

To amend the Law relating to the Customs.

(*Prepared and brought in by*
Mr. Poulett Thomson and Mr. Baring.)

Ordered, by The House of Commons, *to be Printed,*
19 *August* 1835.

4 *August* 1835.

A

B I L L

To impose certain Duties on Tea.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS an Act was passed in the third and fourth year of the reign of His present Majesty, intituled, "An Act to provide for the Collection and Management of the Duties on Tea:" Preamble: 3 & 4 Will. 4.

And whereas it is found expedient to alter the Rates of Duty thereby imposed; BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *First* day of *July One thousand eight hundred and Thiry-six*, the several Duties on Tea, imposed by the said recited Act, shall cease and determine, save and except as to any Arrears of such Duties which may then be due and payable, and unpaid; and in lieu and instead thereof there shall be charged a Duty of *Two Shillings and One Penny* on every Pound Weight of Tea, which, after the said day, shall be imported, or which, having been previously imported, shall, after that day, be entered for Home Consumption in the United Kingdom, which said Duty shall be raised, levied, collected and paid, under the like rules and regulations, so far as the same may be applicable, and shall be appropriated and applied in such and the like manner as the Duties on Tea imposed by the said recited Act. Duties under recited Act repealed, and new Duties imposed.

A

B I L L

To impose certain Duties on Tea.

(Prepared and brought in by
Mr. Chancellor of the Exchequer and Mr. Baring.)

Ordered, by The House of Commons, *to be Printed,*
4 *August* 1835.

4 *March* 1835.

A

B I L L

For facilitating the Recovery of Debts, the Relief of Debtors willing to make Cession of their Property for the payment of their Debts, the Prevention of Frauds by Debtors, and for abolishing Imprisonment for Debt except in cases of Fraud.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble.

WHEREAS the existing Law is defective, in not providing a more summary and less expensive mode of recovering Debts secured by Bonds, Bills of Exchange and Promissory Notes; **Be it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT if the Plaintiff in any action on a Bond for payment of Money shall after Suit commenced in any Court, show by Affidavit the due execution of such Bond, and that the Sum secured thereby, or any part thereof, is due to him from the Defendant, and that before the commencement of such Suit demand was made upon the Defendant for the payment of the Sum so due, such Plaintiff shall after service of Process on the Defendant, be entitled to a Rule of the Court, in which such Suit is commenced, which may be served on the Defendant, giving notice that Judgment will be signed against him for the Sum sworn to be due, unless the Defendant shall within *Ten* Days after service of the Rule give Security, to be approved of by an Officer of such Court, for the payment of the Debt and Costs in case the Plaintiff shall obtain final Judgment, or unless the Defendant, upon a summons by him obtained and duly served on the Plaintiff, shall within that time show sufficient cause to a Judge of that Court why Judgment should not be signed against him, and

1.
For enabling Persons more easily to recover Monies due upon Bond.

that Judgment shall be so signed unless the Defendant shall either give such Security or show such sufficient cause; and that it shall be incumbent on the Defendant in showing cause before the said Judge, either to admit or deny in writing the execution of the Bond.

2. Plaintiffs in actions on Bills of Exchange empowered to enter Judgment against the Defendants after Notice.

And be it Enacted, That if the Plaintiff in any Action against the Drawer, Acceptor or Maker of a Bill of Exchange or Promissory Note shall, after Suit commenced in any Court, show by Affidavit that the Sum specified in such Bill or Note, or any part thereof, is due to him from the Defendant, and that the Bill or Note was drawn, accepted or made by the respective Persons purporting to be the Drawer, Acceptor or Maker thereof, and that demand before action brought was made upon the Defendant, for the payment of the Sum so due; such Plaintiff shall after service of Process on the Defendant, be entitled to a Rule of the Court in which such Suit is commenced, which may be served on such Defendant, giving him notice that Judgment will be signed against him for the Sum sworn to be due, unless such Defendant shall within *Ten* Days after the service of the Rule give Security, to be approved by an Officer of such Court, for the payment of the Debt and Costs, in case final Judgment shall be given against him, or unless the Defendant shall within the said time show sufficient cause to a Judge of such Court why Judgment should not be signed against him, and that such Judgment shall be so signed unless the said Defendant shall either give such Security or show such sufficient cause; and that it shall be incumbent on the Defendant in showing cause before the said Judge, either to admit or deny in writing the drawing, accepting or making of the said Bill of Exchange or Promissory Note.

3. If Debt not paid after final Judgment, Defendant to be taken before Commissioner to be examined touching his Property.

AND whereas also the law is defective in not providing adequate means for enabling Judgment Creditors to obtain satisfaction from the property of their Creditors; BE it therefore Enacted, That in case a Plaintiff shall have signed final Judgment against a Defendant in any Court, and such Defendant shall not satisfy such Judgment within *Ten* Days after the same shall have been entered up, it shall be lawful for a Commissioner to be appointed under this Act, upon the application of the Plaintiff, to direct such Defendant, if in custody, to be brought before him, or if not in custody, to summon the Defendant to appear before him at such times and places as the said Commissioner shall appoint, for the purpose of being examined touching his Property; and if the Defendant being so summoned shall not attend before the said Commissioner at the time and place appointed, not having been prevented by any lawful impediment then and there made known to the said Commissioner and allowed by him, it shall be lawful for the said Commissioner by Warrant under his hand and seal to authorize and direct any Person or Persons therein named for that purpose, to apprehend such Defendant wheresoever he may be found, and to bring him before the said Commissioner

sioner to be examined as aforesaid; and upon the appearance of any Defendant so summoned or brought before such Commissioner, the said Commissioner shall examine the Defendant on Oath as to his Property, whether Real or Personal, whereof he is seised or possessed, or to which he is in anywise entitled; and the Commissioner shall or may, if he shall think fit, cause a Specification of the Property of the Defendant to be written out, which Specification the Commissioner may require the Defendant to sign in his presence; and if the said Defendant shall refuse to be sworn, or shall refuse to answer any questions put to him by such Commissioner relating to his Property, or shall refuse to sign such Specification, it shall be lawful for the said Commissioner by Warrant under his hand and seal to commit him to prison, there to remain without bail until he shall submit himself to the said Commissioner to be sworn, and full answers make to his satisfaction to such questions as shall be put to him, and sign the Specification of his Property.

4.
Service of Summonses.

And be it Enacted, That if such Defendant cannot be personally served with a Summons, leaving the Summons at his dwelling-house or last place of abode, and serving a Copy of such Summons on the Solicitor or Attorney employed on his behalf in the Cause in which Judgment was signed, or if such Solicitor or Attorney cannot be found, service of a Copy of such Summons left at his dwelling-house or last place of abode shall be deemed sufficient Service on the said Defendant.

5.
Judge may assign such Defendant's Property to Trustee for payment of the Judgment Debt.

And be it Enacted, That the said Commissioner shall, by a short Indorsement on the Specification of the Defendant's property, so written and signed as aforesaid, assign to a Trustee, to be appointed by the said Commissioner, so much of the Lands and Tenements, Goods and Chattels, Debts, Credits, Specialties or sums of Money or Stocks in the Public Funds, or of any Public Company, or other Property of the said Defendant as shall be sufficient to discharge the Judgment of the said Plaintiff, and such Assignment shall be filed as a Record of the Court of the said Commissioner; and such Assignment of the Lands of the said Defendant shall be sufficient to pass any Lands, Tenements or Hereditaments whereof the Defendant shall be seised in tail, in possession, reversion or remainder, and whereof no reversion or remainder is in the Crown; and every such Assignment shall be good against the said Defendant and the Issue of his body, and against all Persons claiming under him after such Judgment, and against all Persons whom the said Defendant by any means might cut off or debar from any remainder, reversion or other interest, in or out of any of the said Lands, Tenements and Hereditaments, and the assignment of the Debts due to the Defendant shall vest the property, right and interest in such Debts in the Trustee; and after such

Assignment, neither the Defendant nor any Person claiming through or under him shall have power to recover the same, nor to make any Release or Discharge thereof, neither shall the same be attached as a Debt of the Defendant by any Person according to the custom of the City of London or otherwise, but the Trustee shall have like remedy to recover the same in his own name, in like manner as the Defendant himself might have done before the Assignment.

6.

Trustee to dispose of the Property in discharge of Plaintiff's Judgment, and to pay over the Surplus (if any) to Defendant.

And be it Enacted, That the Trustee to whom such Assignment shall be made as aforesaid shall, with all convenient speed, recover and get in the Estate and Effects so assigned to him, and shall sell or otherwise dispose of the same, and out of the proceeds thereof shall defray, in the first place, all such Costs and Expenses of recovery, getting in and selling the same as shall be allowed by the said Commissioner, and shall pay over to the said Plaintiff the residue of such proceeds, or so much thereof as shall be sufficient to satisfy the Judgment obtained by the said Plaintiff, and if any overplus shall remain after satisfying such Judgment, the same shall be paid over by the Trustee to the Defendant or his executors, administrators or assigns.

7.

Property assigned to Trustee to vest in his Successor.

And be it further Enacted, That the real and personal Estate and Effects vested in the Trustee by virtue of any such Assignment as aforesaid, shall not remain in him if he shall resign or be removed from his Office, nor in his heirs, executors or administrators, in the event of his death, but shall in every such case go to and be vested in his Successor in office immediately upon the appointment of such Successor; and that whenever the Trustee in whom any such real or personal Estate or Effects shall be vested as aforesaid shall die or resign, or be removed from his Office, no action at law or suit in equity commenced or carried on by him shall be thereby abated, but the Court in which any such action or suit is depending, may, upon the suggestion of such death, resignation or removal, allow the name of such Successor to be substituted in the place of the former Trustee, and such action or suit shall be prosecuted in the name of such Successor in the same manner as if he had originally commenced the same; and in case of the death, removal or resignation of a Trustee, it shall be lawful for the Commissioner to appoint another Trustee,

8.

Appeal to Court from which Judgment issued.

And be it Enacted, That in all cases where a Party is dissatisfied with any decision of the Commissioner in any of the cases before mentioned, it shall be lawful for the Party so dissatisfied to appeal to the Court from which the Judgment issued.

9.

Attachments.

And be it Enacted, That in all cases where by reason of non-payment of any sum of money any Party shall be liable to Attachment from any Court of Law or Equity, such Court shall make order for the payment of such sum of money, and such order shall have the

effect

effect of a Judgment, and such Proceedings shall be thereupon had as upon a Judgment of the said Court.

10. Sheriff to deliver Execution to the Party suing out Judgment.

AND for the more effectual remedy of Creditors under any Judgment, Statute or Recognizance against the Lands of the Defendant; BE it Enacted, That it shall be lawful for every Sheriff or other Officer to whom any Writ or Precept shall be directed at the suit of any Person or Persons of, for and upon any Judgment, Statute or Recognizance, to do, make and deliver Execution unto the Party in that behalf suing, of all such Lands, enements, Rectories, Tithes, Rents and Hereditaments, whether the same be freehold, copyhold or of customary tenure, whereof such Person against whom such Execution shall be so issued shall be seised or possessed, or whereof any other Person or Persons shall be seised or possessed in trust for him against whom Execution is so sued at the time of the said Execution sued, and that the same shall be held and enjoyed subject to such the like provisions to which one moiety of the lands, tenements, rectories, tithes, rents and hereditaments of any Party against whom an Elegit is now by law subject: Provided nevertheless, That such Party suing out Execution, and to whom such delivery of any copyhold or customary lands shall be so made, shall be liable and is hereby required to make, do, perform and render to the Lord of the Manor or other Person entitled, all such and the like Payments and Services as the Tenant against whom such Execution shall be issued would have been bound to pay, render, do and perform; and that the Party so suing out such Execution, and to whom any such copyhold or customary lands shall have been so delivered, shall be entitled to hold the same until the amount of such payment, and the value of such services, as well as the Debt, shall have been levied.

11. In case Sheriff prevented making Execution by any existing Incumbrance, he may inquire into the nature of such Incumbrance, and the Interest thereunder.

And be it Enacted, That where by reason of any existing Lease or other incumbrance, such Sheriff or other Officer, to whom any such Writ or Process shall be so directed, cannot do, make and deliver Execution unto the Party in that behalf suing, of such lands, tenements, rectories, tithes, rents, and hereditaments, such Sheriff or other Officer shall proceed to inquire of what estate and to what beneficial interest in such lands, tenements, rectories, tithes, rents, and hereditaments, the Party against whom such Execution shall be issued, was seised or beneficially entitled at the time of such Execution sued, and shall make return thereof to the Court from which such Execution was so sued; and that it shall be lawful to and for such Court, on the Petition of such Judgment Creditor, to order and direct the Sale of such Estate or Interest in such lands, tenements, rectories, tithes, rents and hereditaments as such Party against whom such Judgment shall have been obtained shall be seised of or beneficially entitled to, and to direct the payment of the Proceeds, or of so much thereof as shall be sufficient to satisfy such Judgment, to

the Party who has obtained the same, and that thereupon such Sheriff or other Officer shall make sale of, assign and convey the same; and that such Sale so made shall be good and effectual against such Party against whom such Judgment shall have been obtained, and all Persons whatsoever claiming by, through or from him; and if after payment of such Debt and Costs, Sheriff's Poundage and the expenses of such Sale, any surplus shall remain, the said Sheriff shall forthwith pay it to the said Debtor.

12. Transfer of Stock belonging to Persons against whom Judgment is obtained.

And be it Enacted, That if any Person against whom any Judgment shall have been obtained shall have any Government Stock, Funds or Annuities, or any of the Stocks of any Public Company in England standing in his name in his own right, it shall be lawful for a Judge of the Court in which such Judgment shall have been obtained, on the Petition of any Judgment Creditor, to order all Persons whose act or consent is thereto necessary, to transfer the same, or so much thereof as shall be sufficient to satisfy such Judgment, into the name of such Judgment Creditor, and to pay all Dividends upon the same to such Judgment Creditor; and all Persons whose act is necessary as aforesaid are hereby indemnified from all things done or permitted in pursuance of such Order, and such Judgment Creditor shall have power to sell the said Stock, and after discharging the Debt due to him, shall pay the surplus, if any, to the Defendant.

13. Sheriff empowered to seize all Obligations and Securities belonging to Judgment Debtor.

And be it Enacted, That by virtue of any Writ of Fieri facias every Sheriff or other Officer having the execution thereof shall and may seize and take all Obligations and Securities of the Judgment Debtor, by which any Money shall be payable to or secured to him, and shall and may at the request of the Plaintiff in such Suit assign the same to him by Indorsement made thereon, or such of them as the said Sheriff shall think sufficient, and that such Plaintiff shall be entitled to hold the same as security or securities for whatever Sum shall be due to him on such Judgment, and to sue in his own name as Assignee thereof for the recovery of the sum or sums secured thereby and due thereon, and that the payment to such Judgment Creditor, by the Party liable on such Obligation or Security, with or without Suit, to the amount of the Debt due on such Judgment, or the recovery and levying Execution to that amount against the Party so liable, shall discharge him to that extent from his liability to the Judgment Debtor on any such Obligation or Security; and if after paying the Debt and Costs, any surplus shall remain, the Judgment Creditor shall pay such surplus to the Defendant.

14. Debtors willing to satisfy their Creditors to the amount of their

AND whereas it is expedient to enable Debtors to make equal distribution of their Property amongst their Creditors; BE it therefore Enacted, That if any Debtor or Debtors shall owe Debts to the amount

amount of *Two hundred* Pounds, and have Assets to the amount of *Fifty* Pounds, and shall be willing to satisfy their respective Creditors so far as they are able, and shall be minded to deliver up to his her or their Creditor or Creditors all his her or their Estate and Effects, for or towards the satisfaction of such Debt or Debts, it shall and may be lawful to and for any such Debtor to exhibit a Petition to the Court of a Commissioner under this Act, setting forth in every such Petition a just and true Account of all the real and personal Estate to which the Petitioner, or any Person or Persons in trust for him, is was or were entitled to at the time of his so petitioning, and of all Incumbrances or Charges (if any there be) affecting any such real or personal Estate of the Person or Persons so petitioning; and also a just and true Account of all the real and personal Estate which any such Petitioner, or any Person or Persons in trust for him, or for his use, was or were interested in or entitled to at the time of his Petition, either in possession, reversion, remainder or expectancy, to the best of the belief of every such Debtor, and so far as his knowledge extends concerning the same; and likewise a true Account of all the Debts due by and to the said Petitioner; and likewise a just and true Account of all Securities wherein any part of the Estate of any such Debtor consists, and of all the Deeds, Evidences and Writings, Books, Bonds, Notes and Papers concerning the same or relating thereto, and the Names and Places of Abode of the Witnesses to all Securities, Bonds or Notes, and where they are respectively to be met with, so far as his knowledge extends concerning the same; and before any such Petition shall be received by any such Court, every such Petitioner or Petitioners shall give or leave, or cause to be given or left, unto or for all and every the Creditor or Creditors, or his her or their Executors or Administrators, and at his her or their usual place of abode, or to or for his her or their Attorney or Agent last employed in any Action, Suit, Cause or Causes against the said Petitioner, in case any such Creditor or Creditors, his her or their executors or administrators cannot be met with, but not otherwise, before any such Petition shall be presented and received, a Notice in writing, signed with the proper Name or Mark of every such Petitioner, importing therein that such Petitioner as aforesaid doth intend to petition the Court; and an Affidavit of the due Service of every such Notice shall be delivered with every such Petition at the time of presenting thereof; and if such Court shall thereupon be satisfied of the regularity of such Notice, such Petition shall be received and filed.

Assets, to present Petition to Commissioner.

15.

And be it Enacted, That it shall be lawful for any Person appointed by the Court in which such Petition is filed, by warrant under the seal of such Court, to break open any House, Chamber, Shop, Warehouse, Door, Trunk or Chest of any such Petitioner, where the Property of such Petitioner shall be reputed to be, and seize upon the Property of such Petitioner.

Person appointed by Commissioner empowered to seize concealed Property.

16. Person appointed by the Commissioner, empowered to break open Premises belonging to Petitioner, in order to secure concealed Property.

And be it further Enacted, That it shall be lawful for the Person so appointed by such Court as aforesaid, to break open any House, Chamber, Shop, Warehouse, Door, Trunk or Chest of such Petitioner in Ireland, where any of the Property of such Debtor shall be reputed to be, and seize the same; provided such Warrant as aforesaid shall have been verified upon Oath, by the Registrar of the Court, before the Mayor or other Chief Magistrate of the City, Borough or Town Corporate within or near to which the Court of the said Commission is executed; and provided also, that the Person thereby appointed shall, before a Justice of Peace residing in the County where such Property shall be reputed to be, depose upon Oath that he is the Person named in such Warrant.

17. Warrants of Seizure in Scotland to be backed by Judge Ordinary or Justice of the Peace.

And be it Enacted, That if in the execution of any Warrant of Seizure so granted by such Court as aforesaid, it shall be necessary to break open any House, Chamber, Shop, Warehouse, Door, Trunk or Chest of such Petitioner in Scotland, where any of the Property of such Petitioner shall be reputed to be, or to seize and get possession of such Property, such Warrant, after having been verified upon Oath as aforesaid, may be backed or indorsed with the name of a Judge Ordinary or Justice of the Peace in Scotland, who are hereby required within their respective Jurisdictions to back or indorse the same, and such Warrant, so indorsed, shall be sufficient authority to the Person bringing such Warrant, and to all Officers of the Law of Scotland, to execute the same within the County or Burgh wherein it is so indorsed, and by virtue thereof to break open the House, Chamber, Shop, Warehouse, Door, Trunk or Chest of such Petitioner, and to seize and take possession of such Property.

18. Search Warrants may be granted.

And be it further Enacted, That in all cases where it shall be made to appear to the satisfaction of any Justice of Peace, in England or Ireland, that there is reason to suspect and believe that property of the Petitioner is concealed in any House, Premises or other place not belonging to such Petitioner, such Justice of Peace is hereby directed and authorized to grant a Search Warrant to the Person so deputed by the Commissioners as aforesaid, and it shall be lawful for such Person to execute the same in like manner; and such Person shall be entitled to the same protection as is allowed by law in execution of a Search Warrant for property reputed to be stolen or concealed.

19. Notice of Petition to be inserted in the London Gazette.

And be it further Enacted, That such Court, after such Petition shall have been filed as aforesaid, shall forthwith cause Notice of the filing such Petition to be given in the London Gazette, and shall thereby appoint *Two* Public Sittings of the Court, the last of which Sittings shall be on the *Forty-second* day from the filing of the said Petition.

And

20. Proof of Debts.

And be it further Enacted, That at the *Two* public Sittings so appointed by such Court as aforesaid, and at every other Sittting appointed for proof of Debts (whereof and of the purport whereof *Ten* Days' Notice shall have been given in the London Gazette) every Creditor of the Petitioning Debtor may prove his Debt by his own Oath; and all Bodies Politic and Public Companies incorporated, or authorized to sue and bring Actions, either by Charter or Act of Parliament, may prove by an Agent, provided such Agent shall swear in his Deposition that he is such Agent as aforesaid and that he is authorized to make such proof; provided that any Creditor may prove by Affidavit sworn before a Master in Chancery, Ordinary or Extraordinary, or, if such Creditor shall live out of England, by Affidavit sworn before a Magistrate or British Consul where such Creditor shall be residing, and attested by a Notary-Public, British Minister or Consul; provided that it shall be lawful for the Commissioner to examine upon Oath, by word of mouth or by interrogatories in writing, every Person claiming to prove a Debt, or to require such further proof, and to examine such other Persons in relation thereto as he shall think fit.

21. Persons being Sureties for any Debt of the Debtor, and having paid the Debt or any part thereof, to be entitled to prove their Debts in the same way as other Creditors.

And be it Enacted, That any Person who at the time of filing the Petition shall be Surety or liable for any Debt of the Petitioner, if he shall have paid the Debt, or any part thereof in discharge of the whole Debt, although he may have paid the same after filing of the Petition, if the Creditor shall have proved the Debt, shall be entitled to stand in the place of such Creditor as to the Dividends and all other rights which such Creditor possessed or would be entitled to in respect of such proof; or if the Creditor shall not have proved such Surety or Person liable, shall be entitled to prove his demand in respect of such payment as a Debt, not disturbing the former Dividends, and may receive Dividends with the other Creditors.

22. Obligees in Bottomry Bonds allowed to claim after Contingency shall have happened.

And be it Enacted, That the Obligee in any Bottomry or Respondentia Bond, and the Assured in any Policy of Assurance made upon good and valuable consideration, shall be admitted to claim, and after the loss or contingency shall have happened to prove his Debt or Demand in respect thereof, and receive Dividends with the other Creditors, as if the loss or contingency had happened before the filing the Petition by such Obligor or Insurer; and the Person effecting any Policy of Insurance upon Ships or Goods with any Person as a Subscriber or Underwriter, who shall have filed his Petition as aforesaid, shall be entitled to prove any loss to which such Debtor shall be liable in respect of such subscription, although the Person so effecting such Policy was not beneficially interested in such Ships or Goods, in case the

Person or Persons so interested is not or are not within the United Realm.

23. Annuity Creditors entitled to prove for Value of such Annuity.

And be it Enacted, That any Annuity Creditor of any such Petitioning Debtor, by whatever Assurance the same be secured, and whether there were or not any arrears of such Annuity due at the time of filing the Petition, shall be entitled to prove for the Value of such Annuity, which Value the Court shall ascertain, regard being had to the original Price given for the said Annuity, deducting therefrom such diminution in the Value thereof as shall have been caused by the lapse of time since the grant thereof to the date of filing the Petition.

24. Annuity Creditors not to sue Collateral Securities until they have proved against the Debtor.

And be it further Enacted, That it shall not be lawful for any Person entitled to any Annuity granted by any such Petitioner to sue any Person who may be Collateral Surety for the payment of such Annuity, until such Annuitant shall have proved against such Petitioner for the Value of such Annuity and for the payment thereof; and if such Surety, after such proof, pay the Amount proved as aforesaid, he shall be thereby discharged from all claims in respect of such Annuity; and if such Surety shall not, before any payment of the said Annuity, subsequent to the filing the Petition, shall have become due, pay the sum so proved as aforesaid, he may be sued for the accruing payments of such Annuity, until such Annuitant shall have paid or satisfied the Amount so proved with Interest thereon at the rate of Four per centum per annum, from the time of notice of such proof and of the amount thereof being given to such Surety; and after such payment or satisfaction, such Surety shall stand in the place of such Annuitant in respect of such proof as aforesaid to the amount so paid or satisfied as aforesaid by such Surety, and the Certificate of the Debtor shall be a discharge to him from all claims of such Annuitant or of such Surety in respect of such Annuity; provided that such Surety shall be entitled to credit in account with such Annuitant for any Dividends received by such Annuitant before such Surety shall have fully paid or satisfied the Amount so proved as aforesaid.

25. Commissioner to set the Value upon Contingency Debts in cases where Contingency has not happened.

And be it further Enacted, That if any such Petitioner shall before the filing his Petition have contracted any Debt payable upon a contingency which shall not have happened before the filing of such Petition, the Person with whom such Debt has been contracted, may, if he think fit, apply to the said Court to set a value upon such Debt; and the said Court is hereby required to ascertain the Value thereof, and to admit such Person to prove the Amount so ascertained, and to receive Dividends thereon; or if such Value shall not be so ascertained before the contingency shall have happened, then such Person may, after such contingency shall have happened, prove in respect

respect of such Debt and receive Dividend with the other Creditors, not disturbing any former Dividends.

26. Holders of Promissory Notes whereon Interest is not reserved, entitled to prove Interest.

And be it further Enacted, That in all cases where any Petitioner shall be liable upon any Bill of Exchange or Promissory Note, whereupon Interest is not reserved, overdue at the time of filing the Petition, the Holder of such Bill of Exchange or Promissory Note shall be entitled to prove the Interest upon the same, to be calculated to the date of filing the Petition, at such rate as is allowed by the Court of King's Bench in Actions upon such Bills or Notes.

27. Creditors entitled to prove for the Costs they have been put to in any Action against any Debtor, wherein they have obtained Judgment.

And be it Enacted, That if any Plaintiff in any Action at Law or Suit in Equity, or Petition in Bankruptcy or Lunacy, shall have obtained any Judgment, Decree or Order against any Person (who shall thereafter file his Petition as aforesaid) for any Debt or Demand in respect of which such Plaintiff shall prove, such Plaintiff shall also be entitled to prove for the Costs which he shall have incurred in obtaining the same, although such Costs shall not have been taxed at the time of the filing the Petition.

28. If Assignees consider any Debt proved under Commission not to be due, they may make representation thereof to the Court.

And be it Enacted, That whenever it shall appear to the Assignees, or to *Two* or more Creditors who have each proved Debts to the amount of *Twenty* Pounds or upwards, that any Debt proved before such Court is not justly due either in whole or in part, such Assignees or Creditors may make representation thereof to the said Court; and it shall be lawful for the said Court to summon before it and examine upon oath any Person who shall have so proved as aforesaid, together with any Person whose evidence may appear to the Court to be material, either in support of or in opposition to any such Debt; and if the said Court, upon the evidence given on both sides, or (if the Person who shall have so proved as aforesaid shall not attend to be examined, having been first duly summoned, or notice having been left at his last place of abode) upon the evidence adduced by such Assignees or Creditors as aforesaid, shall be of opinion that such Debt is not due either wholly or in part, the said Court shall be at liberty to expunge the same either wholly or in part from the proceedings; provided that such Assignees or Creditors requiring such investigation shall, before it is instituted, sign an Undertaking, to be filed with the proceedings, to pay such Costs as the Court shall adjudge to the Creditor who has proved such Debt as aforesaid.

Where Petitioning Debtors have conveyed or pledged any Deeds upon condition of Redemption,

And be it Enacted, That if any such Petitioner shall have granted, conveyed, assured or pledged any Real or Personal Estate, or deposited any Deeds, such grant, conveyance, assurance, pledge or deposit being upon condition or power of redemption at a future day by payment of Money or otherwise, the Assignees may, before the

Assignees may tender Performance as fully as Debtor.

time of the performance of such condition, make tender or payment of Money or other performance, according to such condition, as fully as the said Debtor might have done, and after such tender, payment or performance may sell and dispose of such Real or Personal Estate for the benefit of the Creditors as aforesaid.

30. Persons having given credit upon valuable Consideration not due when Petition filed, entitled to prove as other Creditors.

And be it Enacted, That any Person who shall have given Credit to such Petitioner upon valuable consideration for any Money or other matter or thing whatsoever which shall not have become payable when such Petitioner filed his Petition, and whether such Credit shall have been given upon any Bill, Bond, Note or other negotiable Security or not, shall be entitled to prove such Debt, Bill, Bond, Note or other Security as if the same was payable presently, and receive Dividends equally with the other Creditors, deducting only thereout a Rebate of Interest for what he shall so receive at the rate of *Five* per centum, to be computed from the Declaration of a Dividend to the time such Debt would have become payable according to the terms upon which it was contracted.

31. Lord Chancellor to appoint official Assignees.

And be it Enacted, That a number of Persons, being Merchants, Brokers or Accountants, shall be chosen by the Lord Chancellor to act as Official Assignees in all cases of such Petitions, one of which said Official Assignees shall in all cases be appointed by the said Court to be an Assignee of such Petitioner's Estate and Effects, together with the Assignee or Assignees to be chosen by the Creditors, such Official Assignee to give such security to be subject to such Rules to be selected for such Estate, and to act in such manner as the aforesaid Court shall from time to time direct; and all the Personal Estate and Effects and the Rents and Profits of the Real Estate, and the Proceeds of Sale of all the Estate and Effects, Real and Personal, of the Petitioner, shall in every case be received by such Official Assignee alone, save when it shall be otherwise directed by the said Court; and all Stocks in the Public Funds, or of any Public Company, and all Monies, Exchequer Bills, Indentures, Bonds or other public Securities, and all Bills, Notes and other negotiable Instruments, shall be forthwith transferred, delivered and paid by such Official Assignee into such Bank as the said Court shall direct, within *Seven* Days from the receipt thereof; and if any such Assignee shall neglect to make such transfer, delivery or payment, every such Assignee shall be liable to be charged in his Accounts with such Sum as shall be equal to interest at the rate of *Twenty* per centum per annum on all such Money for the time during which he shall have so retained the same: Provided always, That until Assignees shall be chosen by the Creditors of each Person so petitioning, such Official Assignees so to be appointed to act with the Assignees to be chosen by the Creditors of each Person so petitioning shall be enabled to act, and shall be deemed to be to all intents and purposes whatsoever

soever a sole Assignee of the Estate of each Person so petitioning as aforesaid.

32. Assignees of Petitioning Debotr's Estate to act with Official

And be it Enacted, That at the *First* public Sitting appointed by such Court, or any Adjournment thereof, *One* or *Two* Assignees of the Petitioner's Estate and Effects shall be chosen to act with the Official Assignee, and all Creditors who have proved Debts to the amount of *Ten* Pounds and upwards shall be entitled to vote in such choice; and also any Person authorized by Letter of Attorney from any such Creditor or Creditors, upon proof of the execution thereof, either by Affidavit sworn before a Master in Chancery, Ordinary or Extraordinary, or by Oath before such Court, and in case of Creditors residing out of England by Oath before a Magistrate where the Party shall be residing, duly attested by a Notary Public, British Minister or Consul, and the choice shall be made by the major part in value of the Creditors so entitled to vote; provided that such Court shall have power to reject any Person so chosen who shall appear to him unfit to be such Assignee as aforesaid, and upon such rejection a new choice of another Assignee or Assignees shall be made as aforesaid.

33. In case of Death or Resignation of any of such Assignees, Commissioners to appoint a new Assignee.

And be it Enacted, That in case any Assignee of the Estate and Effects of any Petitioner so appointed as aforesaid shall be unwilling to act, or in case of the death, incapability, disability, misconduct or absence from the realm of any such Assignee, it shall be lawful to and for any Creditor or Creditors of such Petitioners to apply to the said Court to appoint a new Assignee or Assignees, with like powers and authorities as are given by this Act to the Assignee or Assignees hereinbefore mentioned; and that the said Court shall have power to remove such Assignees and to appoint such new Assignee or Assignees, and to compel any Assignee who shall be so removed, and the heirs, executors or administrators of any deceased Assignee, to account for and deliver up to the said Court, or as the said Court shall order, all such Estate and Effects, Books, Papers, Writings, Deeds and other evidences relating thereto, as shall remain in his or their hands, to be applied for the purposes of this Act.

34. Actions not to abate by Death or Resignation of Assignee.

And be it Enacted, That whenever such Assignee or Assignees shall die or be removed, or a new Assignee or Assignees shall be appointed in pursuance of the provisions of this Act, no Action at Law or Suit in Equity shall be thereby abated, but the Court in which any Action or Suit is depending, may, upon the suggestion of such death or removal and new appointment, allow the name or names of the surviving or new Assignee or Assignees to be substituted in the place of the former; and such Action or Suit shall be prosecuted in the name or names of the said surviving or new Assignee or Assignees, in the same manner as if he or they had originally commenced the same.

35.
After Debtor's Petition presented, Estate present and future to vest in Assignees.

And be it Enacted, That when any Person shall have filed his Petition as aforesaid, all his Personal Estate and Effects, present and future, shall become absolutely vested in and transferred to the Assignees or Assignee for the time being, by virtue of their appointment; and as often as any such Assignees shall die, or be lawfully removed, and a new Assignee duly appointed, all such Personal Estate as was then vested in such deceased or removed Assignee, shall, by virtue of such appointment, vest in the new Assignee, either alone or jointly with the existing Assignees, as the case may require, without any Deed of Assignment for that purpose.

Debtor's real Estate to vest in Assignees without Conveyance.

And be it Enacted, That when any Person shall have filed his Petition as aforesaid, all his present and future Real Estate, whether in the United Kingdom of Great Britain and Ireland, or in any of the Dominions, Plantations or Colonies belonging to His Majesty, shall vest in the Assignee or Assignees for the time being, by virtue of his or their appointment, without any Deed of Conveyance for that purpose; and as often as any such Assignee or Assignees shall die, or be lawfully removed or displaced, and a new Assignee or Assignees shall be duly appointed, such of the aforesaid Real Estate as shall remain unsold or unconveyed, shall, by virtue of such appointment, vest in the new Assignee or Assignees, either alone or jointly with the existing Assignees, as the case may require, without any Conveyance for that purpose.

37.

And be it Enacted, That the Estate of any such Petitioner, Real and Personal, shall vest in such Assignees as is hereinbefore provided, notwithstanding any act of Bankruptcy by such Petitioner, unless a Fiat in Bankruptcy shall have been issued previous to the filing such Petition.

38.
Registering Transfers of Property

Provided always, and be it Enacted, That where according to any laws now in force any Conveyance or Assignment of any Real or Personal Property of any such Petitioner would require to be registered, inrolled or recorded in any Registry Office in England, Wales or Ireland or in any Registry Office, Court or other Place in Scotland, or any of the Dominions, Plantations or Colonies belonging to His Majesty, that in every such case such Certificate as hereafter is described of the appointment of an Assignee or Assignees shall be registered in the Registry Office, Court or Place wherein such Conveyance or Assignment as last aforesaid would require to be registered, inrolled or recorded, and the Registry hereby directed shall have the like effect to all intents and purposes as the registry, inrolment or record of such Conveyance or Assignment as last aforesaid would have had; and the Title of any Purchaser of any such Property as last aforesaid for valuable consideration, with notice of filing such Petition, who shall have duly registered, inrolled or recorded the Purchase Deed previous to the registry hereby directed, shall

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shall not be invalidated by reason of such appointment of an Assignee or Assignees as aforesaid, or the vesting such Property in him or them consequent thereupon, unless the Certificate of such Appointment shall be registered as aforesaid within the times following; (that is to say) as regards the United Kingdom of Great Britain and Ireland, within *Two* Months from the date of such appointment, and as regards all other Places, within *Twelve* Months from the date thereof.

39. For preventing fraudulent Transfers by Deotors.

And be it Enacted, That if any Petitioner shall, before or after filing his Petition as aforesaid, being in insolvent circumstances, voluntarily convey, assign, transfer, charge, deliver or make over any Estate. Real or Personal, Security for Money, Bond, Bill, Note, Money, Property, Goods or Effects whatsoever to any Creditor or Creditors, or to any Person or Persons in trust, for or to or for the use, benefit or advantage of any Creditor or Creditors, every such Conveyance, Assignment, Transfer, Charge, Delivery and making over shall be deemed and is hereby declared to be fraudulent and void as against any Assignee of the Estate and Effects of such Petitioner appointed under this Act: Provided always, That no such Conveyance, Assignment, Transfer, Charge, Delivery or making over, where the same shall be made before Petition filed, shall be so deemed fraudulent and void, unless made within *Three* Months before the filing of the Petition by such Petitioner.

40. For preventing fraudulent Extents.

And be it Enacted, That if any Real or Personal Estate or Debts of any such Petitioner be extended after he shall have so presented his Petition, by any Person under pretence of his being an Accountant of or Debtor to The King, the Court in which the Petition is filed may examine upon oath whether the said Debt was due to such Debtor or Accountant upon any Contract originally made between such Accountant and the Petitioner, and if such Contract was originally made with any other Person than the said Petitioner or Accountant, or in trust for any other Person or Persons, such Court may sell and dispose of such Real and Personal Estate or Debts for the benefit of the Creditors who shall have proved, and such Sale shall be valid against the said Extent and all Persons claiming under it; and any Person to whom the said Real and Personal Estate or Debts shall be bargained, sold, granted or assigned by such Court, shall have and may recover the same against any Person who shall detain the same.

41. Sequestration for Debts of Beneficed Clergymen and Curates.

Provided always, and be it Enacted, That nothing in this Act contained shall extend to entitle the Assignee of the Estate and Effects of any such Petitioner, being a beneficed Clergyman or Curate, to the Income of such Benefice or Curacy for the purposes of this Act: Provided always nevertheless, That it shall be lawful for such Assignee to apply for and obtain a Sequestration of the Profits of any such

Benefice for the payment of the Debts of such Petitioner; and the Commissioner's Certificate of the filing of such Debtor's Petition in pursuance of this Act shall be a sufficient warrant for the granting such Sequestration, without any Writ or other proceedings to authorize the same, and such Sequestration shall accordingly be issued as the same might be issued upon any Writ of Levari facias founded upon any Judgment against any such Petitioner.

42. Transfer of Government Stocks, &c. belonging to Debtors.

And be it Enacted, That if any such Petitioner shall, at the time of filing such Petition, or at any time before he shall have obtained his Certificate, according to this Act, have any Government Stocks, Funds or Annuities, or any of the Stock or Shares of any Public Company, either in England, Ireland or Scotland, standing in his own name in his own right, or in the name of any Trustee for his benefit, it shall be lawful for such Court, whenever it shall deem fit so to do, to order all Persons whose act or consent is thereto necessary, to transfer the same into the name of such Assignee or Assignees as aforesaid; and all such Persons whose act or consent is so necessary as aforesaid, are hereby indemnified for all things done or permitted pursuant to such Order.

43. In cases where Persons petitioning are entitled to any Lease or Agreement.

And be it Enacted, That in all cases in which any such Petitioner shall be entitled to any Lease or Agreement for a Lease, and his Assignee or Assignees shall accept the same, the said Petitioner shall not be liable to pay any subsequent Rent, or be in any manner sued after such acceptance in respect or by reason of any subsequent non-observance or non-performance of the conditions, covenants or agreements therein contained, and if the Assignees decline the same, shall not be liable as aforesaid, in case he deliver up such Lease or Agreement to the Lessor or such Person agreeing to grant a Lease, within *Fourteen* Days after he shall have had notice that the Assignees shall have declined the same as aforesaid; provided that in all such cases as aforesaid it shall be lawful for the Lessor or Person agreeing to make such Lease, his heirs, executors, administrators or assigns, if the said Assignee or Assignees shall decline, upon his or their being required so to do, to determine whether he or they will or will not accept such Lease or Agreement for a Lease, to apply to the said Court, praying that either he or they may so accept the same, or deliver up such Lease or Agreement for a Lease and the possession of the premises demised or intended to be demised; and the said Court hall thereupon make such Order as in all the circumstances of the case shall seem meet and just, and such Order shall be binding on all Parties.

44. If Petitioning Debtor has agreed for Purchase of Estates, Assignees not forced to complete, unless they deem fit.

And be it Enacted, That if any such Petitioner shall have entered into any Agreement for the Purchase of any Estate or Interest in Land, the Vendor thereof, or any Person claiming under him, if the Assignees of such Debtor shall not (upon being thereto required) elect whether they will abide by and execute such Agreement

or

or abandon the same, shall be entitled to apply to the Commissioner, who may thereupon order them to deliver up the said Agreement and the possession of the Premises to the Vendor or Person claiming under him, or may make such other Order therein as he shall think fit.

45. Assignees may exercise all Powers vested in Debtor for benefit of Creditors.

And be it Enacted, That all Powers vested in any such Petitioner which he might legally execute for his own benefit (except the right of nomination to any vacant Ecclesiastical Benefice) may be executed by the Assignee for the benefit of the Creditors in such manner as the Petitioner might have executed the same.

46. Sale of Copyhold or Customary Lands.

And be it Enacted, That the Court in which any such Petition is filed shall have the power by Deed indented and inrolled in any of His Majesty's Courts of Record, to make Sale, for the benefit of the Creditors, of any Copyhold or Customary Lands, or of any Interest to which any such Petitioner is entitled therein, and thereby to entitle or authorize any Person or Persons on their behalf to surrender the same for the purpose of any Purchaser or Purchasers being admitted thereto.

47. Persons buying such Copyhold or Customary Lands to compound with the Lords of the Manors before they enter into possession.

And be it Enacted, That every Person to whom any Sale or Assignment of Copyhold or Customary Land or Tenements shall be made by the Commissioner, shall, before he enter into or take any profit of the same, agree and compound with the Lords of the Manors of whom the same shall be holden, for fines, dues and other services as theretofore have usually been paid for the same, and thereupon the said Lords shall, at the next or any subsequent Court to be holden for the said Manors, grant unto such Vendee, upon request, the said Copyhold or Customary Lands or Tenements for such Estate or Interest as shall have been so sold or assigned to him as aforesaid, reserving the ancient rents, customs and services, and shall admit him Tenant of the same.

48. Commissioner may issue Summons for attendance of Debtor having petitioned.

And be it Enacted, That it shall be lawful for the said Commissioner, by Summons under his hand, to summon the Petitioner, whether such Petitioner shall have obtained his Certificate, as hereinafter mentioned, or not; and in case he shall not come at the time of such Summons appointed, having no lawful impediment made known to such Commissioner at such time and allowed by him, it shall be lawful for the said Commissioner, by Warrant under his hand and seal, to authorize and direct any person he shall think fit to apprehend and arrest such Person so petitioning, and bring him before the said Court; and upon the appearance of such Person on apprehension by virtue of such Warrant, or otherwise, it shall be lawful for such Commissioner to examine him upon Oath, either by word of mouth or on Interrogatories in writing, touching all matters relating either to his dealings or estate, or which may tend to dis-

close any secret Grant, Conveyance or concealment of his Lands, Tenements, Goods, Money or Debts, and to reduce his Answers into writing, which Examination so reduced into writing the said Petitioner shall sign and subscribe; and if such Petitioner shall refuse to be sworn, or shall refuse to answer any questions put to him by the said Commissioner touching any of the matters aforesaid, or shall not fully answer to the satisfaction of the said Commissioner any such questions, or shall refuse to sign and subscribe his Examination so reduced into writing as aforesaid, not having any lawful objection allowed by the said Commissioner, it shall be lawful for the said Commissioner, by Warrant under his hand and seal, to commit him to prison, as he shall think fit, there to remain without Bail until he shall submit himself to the said Commissioner to be sworn, and full answers make, to the said Commissioner's satisfaction, to such questions as shall be put to him, and sign and subscribe such Examination.

49. Commissioner empowered to summon Persons supposed to possess Property belonging to petitioning Debtor.

And be it Enacted, That after such Petition shall have been filed, that it shall be lawful for such Commissioner to summon before him any Person known or suspected to have any of the Estate of the Petitioner, or who is supposed to be indebted to such Person, or any Person whom such Commissioner believes capable of giving information concerning the Dealings or Estate of such Petitioner, or any Person whom he shall believe capable of giving evidence on any matter before him as such Commissioner; and it shall be lawful for the said Commissioner to require such Person to produce any Books, Papers, Deeds or other Documents in his custody or power which may appear to the said Commissioner necessary to the verification of the Depositions of such Persons as to the full disclosure of any of the matters which such Commissioner is authorized to inquire into; and if such Person, so summoned as aforesaid, shall not come in before such Commissioner at the time appointed, having no lawful impediment made known to the said Commissioner at the time of the Meeting and allowed by him, it shall be lawful for the said Commissioner, by Warrant under his hand and seal, to authorize and direct the Persons therein named for that purpose to apprehend and arrest such Persons and bring them before him to be examined as aforesaid.

50. Commissioner may examine such Persons on their appearance.

And be it Enacted, That upon the appearance of any Person before such Commissioner, whether summoned or not, it shall be lawful for the Commissioner to examine every such Person upon Oath, either by word of mouth or by Interrogatories in writing, concerning the Dealings or Estate of such Petitioner, or concerning any other matter before him as such Commissioner, and to reduce into writing the Answers of such Person, and to such Answers so reduced into writing the Party examined is hereby required to sign and subscribe; and if any

such

such Person shall refuse to be sworn, or shall refuse to answer any lawful questions put to him by such Commissioner touching any of the matters aforesaid, or shall not fully answer to the satisfaction of the said Commissioner any such lawful questions, or shall refuse to sign and subscribe his Examination so reduced into writing as aforesaid, not having any lawful objection allowed by the said Commissioner, or shall not produce any Books, Papers, Deeds or Writings and other Documents in his custody or power relating to any of the matters aforesaid which such Person was required by the said Commissioner to produce, and to the production of which he shall not state any objection allowed by the said Commissioner, it shall be lawful for him, by Warrant under his hand and seal, to commit him to such Prison as he shall think fit, there to remain without Bail until he shall submit himself to be sworn and full answers make, to the Commissioner's satisfaction, to all such lawful questions as shall be put to him, and sign and subscribe such Examination, and produce such Books, Papers, Deeds, Writings and other Documents as aforesaid in his custody or power, to the production of which no such objection as aforesaid has been allowed.

51. Witnesses summoned allowed Expenses.

And be it Enacted, That when any Person known or suspected to have any of the Estate of such Petitioner in his possession, or who is supposed to be indebted to such Petitioner, shall be summoned to attend before such Commissioner, every such Person shall have such Costs and Charges as the said Commissioner shall in his discretion think fit; and every Witness summoned to attend before such Commissioner shall have his necessary Expenses tendered to him in like manner as is now by law required upon service of a Subpœna to a Witness in an Action at Law.

52. Commissioner may summon Wife of Petitioner against whom Judgment is entered up.

And be it Enacted, That it shall be lawful for the said Commissioner, in manner aforesaid, to summon before him the Wife of any Petitioner, and in manner aforesaid to examine her for the finding out and discovery of the Estate, Goods and Chattels of such Petitioner as aforesaid, concealed, kept or disposed of by such Wife in her own person or for her own account or by any other Person; and she shal incur such Danger or Penalty for not swearing before, or for refusing to be sworn and examined, or for refusing to sign or subscribe her Examination, or for not fully answering to the satisfaction of the Commissioner, as is hereby provided against other Persons.

53. Commissioner in Warrant of Commitment for not answering any Question, to specify the Question.

And be it Enacted, That if any Person be committed by such Commissioner for refusing to answer, or for not fully answering any Question put to him by the said Commissioner, such Commissioner shall in his Warrant of Commitment specify any such Question; provided that if any Person committed by such Commissioner shall

sue out any Habeas Corpus in order to be discharged from such Commitment, and there shall appear, on the return of such Habeas Corpus, any such insufficiency in the form of the Warrant whereby such Person was committed, by reason whereof he might be discharged, it shall be lawful for the Court or Judge before whom such Party shall be brought by Habeas Corpus, and such Court or Judge is hereby required to commit such Person to the same Prison, there to remain until he should conform, unless it shall be shown to such Court or Judge by the Party committed that he has fully answered all lawful Questions put to him by such Commissioner, or if such Person was committed for refusing to be sworn, or for not signing his Examination, unless it shall appear to such Court or Judge that he had a sufficient reason for the same: Provided also, That such Court or Judge shall, if required thereto by the Party committed, in case the whole of the Examination of the Party so committed shall not have been stated in the Warrant of Commitment, and the whole of the Examination of such Party, whereof any such Question was a part, and if it shall appear from the whole Examination that the Answer or Answers of the Party committed is or are satisfactory, such Court or Judge shall or may order the Party so committed to be discharged.

54. Penalty on Gaolers allowing Debtors committed to their charge to escape.

And be it Enacted, That if any Gaoler to whose custody any Person shall be committed as aforesaid, shall suffer such Person to escape, every such Gaoler shall forfeit *Five hundred* Pounds.

55. Penalty for fraudulently concealing Property after Judgment.

And be it Enacted, That any Person wilfully concealing any Real or Personal Estate of such Petitioner, and who shall not within *Forty-two* Days after filing the Petition, discover such Estate to the Commissioner or Assignee, shall forfeit the sum of *One hundred* Pounds and *Double* the Value of the Estate so concealed; and any Person who shall after the expiration of *Forty-five* Days voluntarily discover to one or more of the Assignees any part of such Debtor's Estate not before come to the knowledge of the Assignees, shall be allowed *Five* per centum thereupon, and such further reward as the major part in value of the Creditors present at any Meeting called for that purpose shall think fit to be paid out of the Estate recovered in such discovery.

56. Allowance may be made to Petitioning Debtor.

And be it Enacted, That it shall be lawful for the Commissioner, before the choice of Assignees, and after such choice for the Assignees, with the Approbation of the Commissioner testified in writing under his hand, from time to time to make such Allowance to the Petitioner out of his Estate, until he shall have passed his last Examination, as shall be necessary for the support of himself and his family.

57. Proceedings under the Act not liable to Stamp Duty.

And be it Enacted, That after this Act shall have come into effect, no Deeds, Conveyances, Assignments, Surrenders, Admissions and other

other Assurances of or to or relating solely to any Freehold, Leasehold, Copyhold or Customary Messuages, Lands or Tenements, or any Mortgage, Charge or other Incumbrance upon, or any Estate, Right or Interest of and in any Messuages, Lands, Tenements or Personal Estate, being the Estate of or belonging to any such Petitioning Debtor, or part or parcel thereof, and which, after the execution of such Deeds, Conveyances, Assignments, Surrenders or Assurances respectively shall either in law or in equity be or remain the Estate and Property of such Debtor, or the Assignee or Assignees appointed or chosen by virtue of this Act; nor any Powers of Attorney, Writs of Supersedeas and Procedendo, Certificates of Conformity, Affidavits and all other Instruments and Writings whatsoever relating solely to the Estate or Effects of any such Debtor, or any part thereof, nor any Advertisements inserted in the London Gazette relating solely to the matters of such Debtor, shall be liable to any Stamp Duty or any other Government Duty whatsoever; and no Sales of any Real or Personal Estate of any such Debtor shall be liable to any Auction Duty.

58. Actions against Persons appointed by Commissioner before choice of Assignees.

And be it Enacted, That no Action shall be brought against any Person so appointed by the Commissioner, for any thing done in obedience to his Warrant prior to the choice of Assignees, unless Demand of the perusal and Copy of such Warrant hath been made or left at the usual place of abode of such Person or Persons by the Party or Parties intending to bring such Actions, or by his or their Attorney or Agent, in writing, signed by the Party or Parties demanding the same, and unless the same hath been refused or neglected for *Six* Days after such demand.

59. Limitation of Actions.

And be it Enacted, That every Action brought against any Person for any thing done in pursuance of this Act, shall be commenced within *Three* calendar Months next after the fact committed, and the Defendant or Defendants in any such Action or Actions may plead the General Issue and give this Act and the special Matter in evidence at the Trial, and that the same was done by authority of this Act; and if it shall appear so to have been done, or that such Action was commenced after the time before limited for bringing the same, the Jury shall find for the Defendant or Defendants; and if there be a Verdict for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his or their Action or Suit, after appearance thereto, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall recover *Double* Costs.

60. Assignees to keep Account of Property of petitioning Debtors.

And be it Enacted, That the Assignees shall keep an Account wherein they shall enter all Property of the Petitioner received by them, and all Payments made by them on account of such Petitioner's Estate, which Account every Creditor who shall have proved may

inspect at all seasonable times; and it shall be lawful for the Commissioner at all times, by writing under his hand, to summon the Assignees before him, and require them to produce all Books, Papers, Deeds, Writings and other Documents relating to the Petitioner, in their possession; and if such Assignees so summoned shall not come before the Commissioner at the time appointed (having no impediment made known to the Commissioner at the time of their meeting, and allowed by him) it shall be lawful for the said Commissioner, by Warrant under his hand and seal, directed to such persons as he shall think fit, to cause such Assignees to be brought before them, and upon their refusing to produce such Books, Deeds, Writings, Papers or Documents as aforesaid, it shall be lawful for the said Commissioner to commit the Party so refusing to such Prison as he shall think fit, there to remain without Bail until such Party shall submit himself to the said Commissioner.

61. Commissioner may invest Money in Government Securities.

And be it Enacted, That the Court may, as often as it shall appear expedient for the Petitioner's Estate, direct any Money, part of such Estate, to be invested in the purchase of Exchequer Bills for the benefit of the Creditors, and may direct where and with whom such Exchequer Bills shall be kept, and cause such Exchequer Bills to be sold when it shall appear to him expedient, and may direct the Proceeds thereof to be again laid out in the purchase of Exchequer Bills, or to be applied for the benefit of the Creditors.

62. Accounts of Assignees to be audited at a Public Meeting.

And be it Enacted, That the Court shall, at the Meeting appointed for the last examination of the Petitioner appoint a Public Meeting not sooner than *Four* calendar Months from the time of filing the Petition, nor later than *Six* calendar Months from the last examination of the Petitioner, whereof and of the purport whereof they shall give *Twenty-one* Days' Notice in the London Gazette, to audit the Accounts of the Assignees; and the Assignees at such Meeting shall deliver upon Oath a true Statement in writing of all Money received by them respectively, and when and on what account, and how the same have been employed, and the Court shall examine such Statement, and compare the Receipts with the Payments, and ascertain what Balances have been from time to time in the hands of such Assignees respectively, and shall inquire whether any Sum appearing to be in their hands ought to be retained; and it shall be lawful for the said Commissioner to examine the said Assignees upon Oath touching the truth of such Accounts.

63. Dividends.

And be it Enacted, That the Court shall not sooner than *Four* or later than *Twelve* calendar Months from the filing of the Petition appoint a public Sitting (whereof and of the purport whereof *Twenty-one* Days' Notice shall be given in the London Gazette) to make a Dividend

dend of the Petitioner's Estate, at which Meeting all Creditors who have not proved their Debts shall be entitled to prove the same; and the said Court at such Meeting shall order such part of the net Produce of the Petitioner's Estate in the hands of the Assignees as it shall think fit to be forthwith divided amongst such Creditors as have proved Debts, in proportion to their respective Debts, and shall make an Order for a Dividend in writing, and shall cause one part of such Order to be filed amongst the Proceedings, and shall deliver another part thereof to the Assignees, which Order shall contain an Account of the time and place of making such Order, of the Amount of the Debts proved, of the Money remaining in the hands of the Assignees to be divided, of how much in the Pound is then ordered to be paid to every Creditor, and of the Money allowed by the Court to be retained by the Assignees, with the reasons for allowing the same to be so retained; and the Assignees in pursuance of such Order, and without any Deed of Distribution made for that purpose, shall forthwith make such Dividend, and shall take Receipts, in a Book to be kept for that purpose, from each Creditor for the Dividend to be received by such Creditor, and such Order and Receipt shall be a discharge to every such Assignee for so much as he shall pay pursuant to such Order; and no Dividend shall be declared unless the Accounts of the Assignees shall have been first so audited as aforesaid, and such Statement delivered by them upon Oath as aforesaid.

64. Creditors having Security or having made Attachment, to receive only a rateable proportion of their Debt.

And be it Enacted, That no Creditor having Security for his Debt, or having made any Attachment, in London or any other place, by virtue of any Custom there used, of the Goods and Chattels of the Petitioner, shall receive upon any such Security or Attachment more than a rateable part of such Debt, except in respect of any Execution or Extent served and levied by seizure upon, or any Mortgage of or Lien upon any part of the Property of such Debtor before the time of presenting his Petition bonâ fide and without collusion.

65. Assignees may compound with Debtors.

And be it further Enacted, That the Assignees, with the consent of the major part in value of the Creditors who shall have proved, present at any Meeting, whereof and of the purport whereof *Twenty-one* Days' Notice shall have been given in the London Gazette, may compound with any Debtor to the Estate of such Petitioner, and take any reasonable part of the Debt in discharge of the whole, or may give time or take Security for the payment of such Debt; or may submit any Dispute between such Assignees and any Persons concerning any matter relating to such Petitioner's Estate, to the determination of Arbitrators to be chosen by the Assignees and the major part in value of such Creditors, and the Party with whom they shall have such dispute, and the Award of such Arbitrators shall be binding on all the Creditors; and the Assignees are hereby indemnified for what they shall do according to

the directions aforesaid; and no Suit in Equity shall be commenced by the Assignees without such Consent as aforesaid; provided that if *One-third* in value, or upwards, of such Creditors shall not attend at any such Meeting, whereof such Notice shall have been given as aforesaid, the Assignees shall have power, with the Consent of the Commissioner testified in writing under his hand, to do any of the matters aforesaid.

66. Mutual Debts.

And be it further Enacted, That where there has been mutual Credit given by the Petitioner and any other Person, or where there are mutual Debts between such Petitioner and any other Person, the Commissioner shall state the Account between them, and one Debt or Demand may be set against another, and what shall appear due on either side on the balance of such Account, and no more, shall be claimed or paid on either side respectively; and every Debt or Demand hereby made proveable against the Estate of the said Debtor may also be set off in manner aforesaid against such Estate.

67. Certificates to be granted to Debtors.

And be it further Enacted, That every Petitioner, who shall have in all things conformed himself to this Act in all matters and things by such Petitioner required to be done, shall be discharged from all Debts due by him at the time when he filed his Petition, and from all Claims and Demands hereby made proveable, in case he shall obtain a Certificate of such conformity so signed and allowed, and subject to such provisions as hereinafter directed; but such Certificate shall not release or discharge any Person who was Partner with such Petitioner at the time of the filing the Petition as aforesaid, or who was then jointly bound or had made any joint Contract with such Petitioner.

68. Certificates to be signed by Four-fifths of Creditors.

And be it further Enacted, That such Certificate shall be signed by *Four-fifths* in number and value of the Creditors of the Petitioner, who shall have proved Debts to the amount of *Twenty* Pounds or upwards, and after *Six* calendar Months from the filing of the Petition, then either by *Three-fifths* in number and value of such Creditors, or by *Nine-tenths* in number of such Creditors, who shall thereby testify their Consent to the said Petitioner's discharge as aforesaid; and no such Certificate shall effect such Discharge unless the Commissioner shall, in writing under his hand and seal, certify that such Petitioning Debtor has made a full discovery of his Estate and Effects, and in all things conformed as aforesaid, and that there does not appear any reason to doubt the truth or fulness of such discovery, and also that Creditors have signed in manner hereby directed, and unless such Petitioner make Oath in writing that such Certificate and Consent were obtained without fraud.

And

69. Commissioner to have proof of Signature of Creditors.

And be it further Enacted, That the Commissioner shall not sign any Certificate unless he shall have proof, by Affidavit in writing, of the Signature of the Creditors thereto, or of any Person thereto authorized by any Creditor, and of the authority by which such Person shall have so signed the same; and if any Creditor reside abroad, the authority of such Creditor shall be attested by a Notary Public, British Minister or Consul.

70. Regulation as to per-centage Allowance to Debtor.

And be it Enacted, That every Petitioner who shall have obtained his Certificate, if the net produce of his Estate shall pay the Creditors who have proved *Ten* Shillings in the Pound, shall be allowed *Five* per centum out of such produce, to be paid him by the Assignees, provided such allowance shall not exceed *Four hundred* Pounds; and every such Petitioner, if such produce shall pay such Creditors *Twelve* Shillings and *Sixpence* in the Pound, shall be allowed and paid as aforesaid *Seven* Pounds *Ten* Shillings per centum, provided such allowance shall not exceed *Five hundred* Pounds; and every such Petitioner, if such produce shall pay such Creditors *Fifteen* Shillings in the Pound or upwards, shall be allowed and paid as aforesaid *Ten* Pounds per centum, provided such allowance shall not exceed *Six Hundred* Pounds; but if such produce shall not pay such Creditors *Ten* Shillings in the Pound, such Petitioner shall only be allowed and paid so much as the Assignees and Commissioners shall think fit, not exceeding *Three* Pounds per centum, and *Three hundred* Pounds.

71. Regulation as to Allowance in cases of joint Petitions.

And be it Enacted, That in all joint Petitions under which any Partner shall have obtained his Certificate, if a sufficient dividend shall have been paid upon the joint Estate and upon the separate Estate of such Partner, he shall be entitled to his allowance, although his other Partner or Partners may not be entitled to any allowance.

72. No Petitioner entitled to Allowance who has lost by gaming in one day Twenty, or within one year Two hundred Pounds.

And be it Enacted, That no Petitioner shall be entitled to his Certificate, or to be paid any such allowance, and that any Certificate, if obtained, shall be void, if such Petitioner shall have lost by any sort of gaming or wagering in one day *Twenty* Pounds, or within one year next preceding his filing such Petition *Two hundred* Pounds, or if he shall within one year next preceding his filing such Petition have lost *Two hundred* Pounds by any contract for the purchase or sale of any Government or other Stock, where such contract was not performed within *One* Week after the contract, or where the Stock bought or sold was not actually transferred or delivered in pursuance of such contract, or shall, after filing such Petition, or being insolvent, shall in contemplation of filing such Petition, have destroyed, altered, mutilated or falsified any of his Books, Papers, Writings or Securities, or made or been privy to the making of any false or fraudulent entries in any Book of Account or other document with intent to defraud his Creditors, or

shall have concealed property to the value of *Ten* Pounds or upwards; or if any Person, having proved a false Debt against such Petitioner's Estate, such Petitioner being privy thereto, or afterwards knowing the same, shall not have disclosed the same to his Assignees within *One* Month after such knowledge.

73. Courts empowered to summon before them any Person capable of giving Evidence, and to require production of Books, &c.

And be it Enacted, That it shall be lawful for the said Courts, by writing under the hand of the Commissioner, to summon before them any Person whom they shall believe capable of giving Evidence in any matter before them, and also to require the Person so summoned to produce any Books, Papers, Deeds or Writings, or other documents in the custody, possession or power of such Person, relating to the said matter; and it shall be lawful for the Commissioner of the Court to examine any such Person upon Oath concerning the said matters, and if such Person so summoned as aforesaid shall not come before the Court at the time appointed, having no lawful impediment made known to the Court at the time of its meeting and allowed by it, it shall be lawful for the said Commissioners, by warrant under their hands and seals, to authorize and direct the Person or Persons therein named for that purpose, to apprehend or arrest such Person, and bring him before it, to be examined as aforesaid.

74. All fraudulent Contracts in order to obtain signature of Creditors, to be void.

And be it Enacted, that any Contract or Security made or given by any Petitioner or other Person unto or in trust for any Creditor, or for securing the payment of any Money due by such Petitioner at the time of his filing the Petition, as a consideration or with intent to persuade such Creditor to consent to or sign such Certificate, shall be void, and the Money thereby secured or agreed to be paid shall not be recoverable; and the Party sued on such Contract or Security may plead the General Issue, and give this Act and the Special Matter in Evidence.

75. Appeal from Decision of Commissioner.

And be it Enacted, That in case any Party to a Proceeding before such Court shall think himself aggrieved by any Decision of such Court, such Person may appeal to the Court of Review against such Decision: Provided always, That before such Appeal shall be received, such Person conceiving himself aggrieved shall give Security, to the satisfaction of the Registrar of the said first-mentioned Court to obey the Order of the said Court and to pay the Costs of the Appeal in case Judgment on the Appeal shall be given against him.

76. In cases of Petitions by Firms or Partnerships.

And be it Enacted, That if a member of a Firm file his Petition as aforesaid, the Assignees may commence or prosecute any Action at Law or Suit in Equity in the names of such Assignees and of the remaining Partner or Partners against any Debtor of the Partnership, and may obtain such Judgment, Decree or Order therein as if such Action or Suit had been instituted with the consent of such

such Partner or Partners; and if such Partner or Partners shall execute any Release of the Debt or Demand for which such Action or Suit is instituted, such Release shall be void; provided that every such Partner, if no benefit is claimed by him by virtue of the said Proceedings, shall be indemnified against the payment of any Costs in respect of such Action or Suit, and that it shall be lawful upon the Petition of such Partner, to direct that he may receive so much of the Proceeds of such Action or Suit as the shall direct.

77. Surplus to be repaid to Petitioner.

And be it Enacted, That the Assignees shall, upon request made to them by the Petitioner, declare to him how they have disposed of his Real and Personal Estate, and pay the Surplus, if any, to such Petitioner, his executors, administrators and assigns; and every such Petitioner, after the Creditors who have proved under the Commission shall have been paid, shall be entitled to recover the remainder of the Debts due to him; but the Assignees shall not pay such Surplus until all Creditors who have proved shall have received Interest upon their Debts, to be calculated and paid at the rate and in the order following; (that is to say) all Creditors whose Debts are now by law entitled to carry Interest, in the event of a surplus, shall first receive Interest on such Debts at the rate of Interest reserved or by law payable thereon, to be calculated from the date of filing the Petition; and after such Interest shall have been paid, all other Creditors who have proved shall receive Interest on their Debts from the day of the filing the Petition, at the rate of *Five* Pounds per centum.

78. Penalty for obtaining Goods under false Pretences.

AND whereas also it is expedient to protect Creditors more effectually against Frauds committed by Debtors; BE it therefore Enacted, That if any Person shall, under the false colour and pretence of carrying on business and dealing in the ordinary course of trade, obtain on Credit from any other Person any Goods and Chattels with intent to defraud the Owner thereof, or if any Person shall, with such intent, remove, conceal or dispose of any Goods or Chattels so obtained, knowing them to have been so obtained, every Person so offending shall on conviction for such Offence suffer Imprisonment not exceeding *Two* Years, nor less than *One* Year.

79. For preventing fraudulent Grants by Debtors.

And be it Enacted, That if any Person shall, after Action commenced against him by any Creditor, make or cause to be made, either within this Realm or elsewhere, any fraudulent Grant or Conveyance of any of his Lands, Tenements, Goods or Chattels, or make or cause to be made any fraudulent Surrender of any of his Copyhold Lands or Tenements, or make or cause to be made any fraudulent Gift, Delivery or Transfer of any of his Money, Securities for Money, Goods and Chattels or other Personal Property, with intent to defraud such Creditor, every Person so offending shall be deemed and taken to be guilty

guilty of a *Misdemeanor*, and shall on conviction for such Offence suffer Imprisonment not exceeding *Two* Years, nor less than *One* Year.

80. Penalty on Petitioner fraudulently removing Property.

And be it Enacted, That if any Petitioner shall, after such Petition filed, remove, conceal or embezzle any part of his Personal Estate to the amount of *Five* Pounds, with intent to defraud his Creditors, such Petitioner shall be deemed to be guilty of *Felony*, and be liable to be Transported for *Seven* Years, or to be imprisoned and kept to Hard Labour in any Common Gaol or House of Correction for any Term not exceeding nor less than

81. Penalty on Persons guilty of Perjury.

And be it Enacted, That if any Person taking any Oath or making Affirmation as a Quaker, under the provision of this Act, or in anywise touching the execution of any of the Provisions thereof, shall wilfully forswear or perjure himself in any Oath so taken, or wilfully make any false Affirmation touching the same, and shall be lawfully convicted thereof, such Person so offending shall suffer such Punishment as may by law be inflicted on Persons convicted of *wilful and corrupt Perjury*.

82. Penalty for making false Accounts or Statements.

And be it Enacted, That if any Petitioner after filing such Petition, shall knowingly and wilfully make, utter or use in any Proceeding under this Act, any false Account, Statement or Exhibit in writing, with intent to injure or defraud any Creditor, every Party so offending shall be deemed and taken to be guilty of a *Misdemeanor*, and being thereof convicted, shall suffer Imprisonment not exceeding nor less than

83. Penalty on Debtors absconding.

And be it Enacted, That if any Debtor shall, after Judgment obtained against him by any Creditor, abscond or conceal himself with intent to defraud such Judgment Creditor, or to avoid making such discovery of his Property as is by this Act required, every Person so absconding or concealing himself shall be deemed and taken to be guilty of a *Misdemeanor*, and shall on Conviction for such Offence be liable to Imprisonment for any term not exceeding *Twelve*, nor less than *Six* calendar Months.

84. Indictment for Offences

And be it Enacted, That in any Indictment or Information for any Offence under this Act, it shall be sufficient to set forth the substance of the Offence charged on the Defendant, without setting forth any Petition, Schedule, Judgment, Conveyance, Assignment, Rule, Order, Adjudication, Warrant, or other Exhibit or Document; save and except where any such Petition, Schedule, or other Exhibit or Document, or any part thereof, shall make or constitute the gist and essence of the Offence.

85. Court may order Prosecutor's Expenses to be paid.

And be it Enacted, That in all Prosecutions under this Act, it shall be lawful for the Court before whom any Offender against this Act,

or

or against the Act made and passed in the thirteenth year of the reign of Queen ELIZABETH, intituled, "An Act against fraudulent Deeds, Alienations," &c. whether the Offence charged be a Felony or Misdemeanor only, to order and direct the payment of the Prosecutor's Costs and the Expense of Witnesses as in cases of Felony.

86. Doing away with Arrest for Debt, except when Debtors are about to abscond.

AND whereas the present Power of Arrest is unnecessarily extensive and severe; and, provision being made to facilitate the remedy of Creditors against the Property of Debtors, ought to be relaxed; BE it therefore Enacted, That from and after the time appointed for the commencement of this Act, no Person shall be arrested upon any Process for Debt issuing out of any Court, unless the Plaintiff shall make Oath that he believes the Debtor is about to abscond to avoid Payment of his Debt, or on special Order made by one of the Judges of the Superior Courts; provided that where such Arrest shall be made before Judgment, the Party so arrested shall be entitled to his discharge, upon finding Bail, according to the laws now in force.

87.

And be it Enacted, That whenever any Attachment shall be issueable from any Court of Common Law for non-payment of any sum of Money, the party entitled thereto shall not proceed to arrest the Party so liable, but shall be entitled to have the sum so due entered as a Debt on record of that Court, and shall be entitled to all and every the means of obtaining satisfaction for the same, by execution or otherwise, that any other Judgment Creditor has for any Judgment Debt.

88. Persons arresting a Debtor, to prove Debtor was about to abscond.

And be it Enacted, That if any Debtor having been arrested either on Mesne or Final Process, shall bring an Action against the Person at whose Suit he was arrested, it shall be incumbent on such Person to prove that he had probable cause for believing that the Party arrested was about to abscond.

89. Prisoners now in Custody on MesneProcess to be discharged.

And be it Enacted, That any Prisoner who shall on the commencement of this Act be in custody on Mesne Process for any Debt, shall be entitled to his Discharge: Provided nevertheless, That every such Prisoner shall be liable to be detained, or after such Discharge to be again arrested by and upon such Process as might, after the commencement of this Act, have been sued out against him had he not been so previously arrested.

90. Prisoners in Custody on Judgment entitled to their Discharge.

And be it Enacted, That every Prisoner who shall be in custody in execution on any Judgment for any Debt or Damages at the time of the commencement of this Act, save and except as hereinafter is provided, shall be entitled to his Discharge: Provided nevertheless, That every such Prisoner shall be liable to be detained, or after Discharge be liable to be again arrested by and upon such Process, as might after

the commencement of this Act have been had and obtained, and executed against him in case he had not been so previously arrested.

91. Prisoners in Charge in execution for Damages not Discharged for the Debt or Damages.

And be it Enacted, That no Prisoner who shall be in custody in execution on any Judgment for any Debt or Damages at the commencement of this Act, shall, by reason of such arrest in execution, be discharged from such Debt or Damages, but that notwithstanding such arrest in execution, such Debtor and all the Property of such Debtor shall be liable to all and every such Process and Proceedings as might, after the commencement of this Act, have been used and executed by any Creditor for the obtaining satisfaction of such Judgment in case such Debtor had not been so previously arrested.

92. Plaintiff recovering Judgment, empowered to issue Writ of capias ad satisfaciendum.

And be it Enacted, That if a Plaintiff recover Judgment against a Defendant in any Action for criminal conversation with the Wife, or for seducing the Daughter or Servant of the Plaintiff, in such Action, or for Breach of Promise of Marriage, or for a Libel, or for Slander, or in any other Action for a malicious injury done to Plaintiff therein, or in any other Action of Tort or Trespass to the person or property of the Plaintiff, then such Plaintiff may cause to be issued a Writ of capias ad satisfaciendum, and the said Defendant to be imprisoned; provided that such Defendant may file his Petition in the Court of the said Commissioners, and such Commissioners may direct such Defendant to be discharged after such period of Imprisonment as the said Commissioners shall think right, but which time shall not in the whole exceed the term of *Two* Years; and if any Defendant shall be in custody at the time of the passing of this Act for any of the crimes or offences above enumerated, the Commissioners shall have power to direct such Person to be further imprisoned for a period not exceeding in the whole *Two* Years, or may then discharge him if they think fit.

93. For facilitating the suing out of Bailable Writs.

AND whereas Debtors fraudulently intending to abscond to evade legal demands by Creditors are frequently enabled to execute their purpose, from the delay with which the suing out a Bailable Writ is attended; FOR Remedy whereof, Be it Enacted, That when any Creditor to the amount of *Twenty* Pounds shall make Affidavit before a Commissioner or a Justice of the Peace for the County or Place where the Debtor shall be, that the Debt is due, and that an Action has been commenced or will be commenced against such Debtor in one of the Superior Courts within the space of *Four* Days, and that he believes the Debtor will abscond to avoid payment of his Debt unless he be forthwith apprehended, it shall and may be lawful for any such Commissioner, or any of His Majesty's Justices of the Peace of the County or Place where the said Debtor shall then be, to issue his Warrant to the Sheriff for the immediate apprehension of such Debtor, and that the Sheriff shall proceed to arrest; and such Proceedings shall be thereupon had as have heretofore been used upon a bailable Writ.

Provided

94. Warrant null and void, unless Suit be commenced for recovery of Debt within Four Days after obtaining it.

Provided nevertheless, and be it further Enacted, That such Warrant shall, as against the Party so procuring the same to be issued, be null and void, unless a Suit shall then be pending in one of the Superior Courts from which bailable Process might have issued for the apprehension of such Debtor for the Debt in respect of which such Arrest shall be had, or unless such Suit shall be commenced for the recovery of such Debt within *Four* Days from the time of obtaining such Warrant: And provided always, That it shall and may be lawful to and for any Person arrested on Mesne Process to apply forthwith to a Judge of one of the Superior Courts at Westminster for a Rule on the Plaintiff in such Suit to show cause why he should not be discharged out of Custody; and that it shall be lawful to and for any such Judge to make absolute or discharge such Rule with Costs, to be paid by either Party, at his discretion.

95. Property of Debtors to remain liable, notwithstanding Arrest.

And be it Enacted, That no Arrest or Detention of any Debtor after Judgment obtained, shall discharge any Debtor from any Debt, or in anywise affect any Execution or other Process against the Property of such Debtor, but that notwithstanding any such Arrest the Property of every such Debtor shall remain liable to all and every Remedy which such Creditor before had to all intents and purposes as if such Arrest had not taken place.

96. Sheriff may discharge Debtors upon their entering into Recognizance with sufficient Sureties.

And be it Enacted, That when any Debtor shall be arrested after Judgment, or shall after Judgment remain in custody upon a previous Arrest in that Suit, or be surrendered in discharge of his Bail, it shall and may be lawful to and for every Sheriff or other Officer arresting the same, or having him in custody, to discharge him on his entering into a Recognizance with *Two* sufficient Sureties before in *Double* the amount of the Judgment, with condition that such Debtor shall duly attend from time to time before such Commissioner as aforesaid, at such times and places as shall be appointed, in order to the Examination of such Debtor touching his Property, and shall and will in all respects submit himself to and conform with the provisions of this Act.

97. Person arrested to remain in Custody until after Examination.

And be it Enacted, That any Person so arrested, whether before or after Judgment obtained, shall remain in Custody, unless sooner released by due course of law, until he shall have submitted to such Examination and made such discovery touching his Property as are required by this Act, and shall in all other respects have submitted to and conformed with the Provisions of this Act touching such Examination and Discovery.

98. Appointment of Commissioners.

And be it Enacted, That it shall be lawful for His Majesty, in such cases as he shall deem it expedient so to do, to nominate and appoint,

by commission under the Great Seal, for the purpose of carrying this Act into effect, one Serjeant-at-Law, or one Barrister of *Ten* Years' standing, or of *Five* Years' standing at the Bar, having previously practised as a Special Pleader for *Five* Years, for any one or more County or Counties, Riding or Ridings, or any parts thereof respectively, beyond the distance of *Forty* Miles from London, who shall be called Commissioner, and shall preside in a Court to be called the Court of the which Court shall be a Court of Record; and every such Commissioner shall, within the limits of his jurisdiction, have exercise and discharge all the rights powers and privileges of a Judge of a Court of Record, and shall also have and execute within the limits of his jurisdiction all the powers and authorities given to the Commissioners of Bankrupts by an Act passed in the reign of his Majesty King GEORGE the Fourth, intituled, "An Act to amend the Laws relating to Bankruptcy," and by the said recited Act of the first and second years of His present Majesty, and by this Act.

99. Registrars.

And be it Enacted, That for each of the said Commissioners it shall be lawful for His Majesty to appoint one fit and proper Person to be the Registrar of the Court.

100. Messengers.

And be it Enacted, That each of the said Commissioners shall and may appoint *Two* fit and proper Persons to be the Messengers and Ushers of the Court to be holden by the said Commissioner.

101. Removal of Officers.

And be it Enacted, That the said Commissioners and the said Registrars shall hold their Offices as long as they shall well behave themselves therein, and that the Commissioners shall not be removed therefrom, unless the Two Houses of Parliament shall present a joint Address to His Majesty, praying for such removal.

102. Removal of inferior Officers.

And be it Enacted, That the said Messengers and Ushers shall hold their Offices during the pleasure of the said Commissioners respectively, and that the said Messengers and Ushers may be removed from their Offices by the said Commissioners in a summary manner, and without any reason being assigned.

103. Oath.

And be it Enacted, That each of the said Commissioners before entering upon the execution of his Office shall take an Oath in the following Form before any Judge of the Superior Courts at Westminster, or before Justices at any of the Quarter Sessions, who are hereby authorized to administer the same:

"I, A. B., do solemnly swear, That I will faithfully, and to the best of my ability, execute the office of for the [here specify the County, &c. for which the Judge is appointed], and administer justice equally, without fear, favour or affection.

"So help me GOD."

And

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104. Registrar's Oath.

And be it Enacted, That every such Registrar shall be sworn in open Court before the Commissioner faithfully to execute his Office in the following Form; (that is to say)

"I, C. D., do swear, That I will faithfully and to the best of my ability execute the office of Registrar [or Clerk] of this Honourable Court.

"So help me GOD."

105. Salaries.

And be it Enacted, That from the *commencement of this Act* there shall be paid and payable out of " " the yearly sums following; to the Ushers of the said Commissioners the yearly sums following; as and for Salaries for the time being herein after named; (videlicet)

To each Usher the sum of

which said sum shall be paid from time to time Quarterly, free and clear from all Taxes and Deductions whatsoever, on the day of , on the day of , on the day of , and the day of in every year by equal portions, the first payment thereof respectively to be made on the day of

That from and after the *commencement of this Act* there shall be paid and payable out of " " the yearly sums following, as and for Salaries for the time being hereinafter named; (videlicet)

To each of the Commissioners the sum of

which said sum shall be paid from time to time quarterly, free and clear from all Taxes and Deductions whatsoever, on the day of , the day of , the day of , and the day of , in every year by equal portions; the first payment thereof respectively to be made on the day of ; and that if any Person for the time holding the said Office shall die, resign or be removed from the same, the executor or administrator of the Person so dying or the Person so resigning or being removed shall be entitled to receive such proportionate part of his Salary as shall have accrued during the time that such Person shall have executed his Office since the last payment, and that the successor of any such Person so dying, resigning or being removed as aforesaid shall be entitled to receive such portion of his Salary as shall be accruing, or shall accrue, from the day of such Death, Resignation or Removal.

106. Fees.

And be it Enacted, That no Person appointed to any Office under this Act shall demand or take, upon any pretence whatsoever, any Fee,

Gratuity or Emolument, other than and except such Fees as shall be allowed by this Act; and if any such Person shall offend in that behalf, he shall lose such Office as he may hold under the authority of this Act, and be disabled from ever again holding the same or any other Office under this Act, or any other Office under the Crown.

107. Fees into Fund.

And be it Enacted, That all Fees from time to time payable by virtue of this Act, except such as are payable to Messengers and Attornies, shall be paid to the Registrars, and shall by them be carried to the Account of a Fund, to be called "THE FEE FUND," and shall be from time to time, as] shall direct, paid into the Consolidated Fund of the United Kingdom of Great Britain and Ireland, at the Bank of England.

108. Attornies, Advocates, &c.

And be it Enacted, That any Persons admitted Barristers-at-Law may practise as Advocates before the said Commissioner, and any Persons admitted Attornies of any of the Superior Courts at Westminster or of the Counties Palatine shall be admitted Attornies of the Court of the Commissioners, and may after such admission practise as Advocates, Attornies or Agents before the said Commissionrs; but no Attorney or Agent so practising shall, on any pretence whatever, demand or take more by way of Fees for work by him done than according to a Table of Fees, from time to time to be settled by the Judges of the Court of Review, as hereinafter mentioned; and if any Attorney or Agent so practising shall offend in that behalf, it shall be lawful for the said Court of Review to examine the charge against him made by any Person of whom he may have demanded or received such Fee, which Court shall inquire into the same, in the same manner as such Court is now by law authorized to do in the case of other offences committed by Attornies, and may, on satisfactory proof of such charge, strike him off the Roll of Attornies of such Commissioners' Court.

109. Publication of Fees.

And be it Enacted, That a Table of all Fees authorized for the time being to be taken by any Officers of or Attornies practising in the Courts of the Commissioners shall be hung up in some conspicuous place in every such Court.

110. London Commissioners.

And be it Enacted, That all the powers of this Act shall be exercised and performed by the Commissioners of His Majesty's Court of Bankruptcy within the distance of *Forty* Miles from London, and the Registrars appointed under the said Act shall attend upon and assist the Commissioners in the execution of this Act.

111. Commissioners of Court of Bankruptcy to perform all powers given by this Act.

And be it Enacted, That it shall and may be lawful for any One or more of the Commissioners of His Majesty's Court of Bankruptcy, and each of the other Commissioners appointed under this Act, to have, perform and execute, within the limits of their respective jurisdictions, all

all the powers, duties and authorities given by the said Act passed in the sixth year of the reign of his Majesty King GEORGE the Fourth, and by the said Act passed in the first and second years of His present Majesty, and by this Act, and to enforce all such orders by imprisonment within any Gaol within their jurisdiction.

112. Appeal in case of Bankruptcy or cessione Bonorum.

And be it Enacted, That if either Party in any matter before any Commissioner shall be dissatisfied with any determination of such Commissioner, he may appeal from the same to the Court of Review, provided that he shall, within *Ten* Days after such determination or direction, give Notice of such Appeal to the other Party or his Attorney, and also give security, to the satisfaction of the Registrar of the Commissioner for the Costs of Appeal and for the performance of the Order, if he be the Defendant, and the Appeal be dismissed.

113. Case agreed on.

And be it Enacted, That such Appeal shall be in the form of a Case agreed on by both Parties or their Attornies; and if they cannot agree, the Commissioner, upon being attended by them or their Attornies, shall settle the Case, and sign it; and such Case shall be transmitted by the Appellant to the principal Registrar of the Court of Review.

114. Power to the Puisne Judges of the Court of Review to act.

And be it Enacted, That in all cases in which Power is by this Act given to any one or more of the said Commissioners of His Majesty's Court of Bankruptcy to act, such power shall and may in like manner be exercised by any one or more of the Judges of the Court of Review, other than the chief Judge thereof, as occasion may require.

115. Appeal to Chancellor.

And be it Enacted, That if either Party shall be dissatisfied with the decision of the Court of Review, such Party may appeal from the same to the Lord Chancellor, provided that such Party shall, within *One* Month after such determination, give Notice of such Appeal to the other Party or his Attorney, and also give Security for the Costs of such Appeal, in addition to the Security already given, such Security to be approved by the chief Registrar of the Court of Review.

116. Appeal to Lords.

And be it Enacted, That if either Party shall be dissatisfied with the Judgment of the Lord Chancellor, such Party may appeal to The House of Lords; provided that such Party shall within *One* Month after such determination, give Notice of such Appeal to the other Party or his Attorney, and also give Security for the Costs of such Appeal, in addition to the Security already given, such Security to be approved by one of the Masters of the Court of Chancery.

117. Fees to be paid into Bank of England.

And be it Enacted, That the Registrar of each Commissioner shall receive the Fees mentioned in Schedule (A.), and shall from month to month pay the same into the Bank of England, to the credit of the Accountant General.

118. Dispensing with attendance of Chief Registrars to produce proceedings in Bankruptcy.

WHEREAS it is inconvenient that the attendance of the Deputy Registrars of the Court of Bankruptcy should be required for the purpose of producing Proceedings in Bankruptcy, or Proceedings in cessione Bonorum, or Trials of Actions at Law; BE it Enacted, That when the production of any proceedings in Bankruptcy, or in cessione Bonorum kept in the Court of Bankruptcy, is required on the Trial of any Action at Law, a Notice in writing, directed to the chief Registrar of the Court of Bankruptcy, stating what Proceedings, on what Trial, and the time when and where such Proceedings are required to be produced, shall be left by the Party or his Attorney or Agent, requiring the production of such Proceedings, a reasonable time before such Trial, at the Office of the chief Registrar of the Court of Bankruptcy in Basinghall-street, together with such reasonable Expenses as is now by law required upon service of a Subpœna to a Witness in an Action at Law: Provided always, That upon such Notice being so left as aforesaid, the personal attendance of such chief Registrar shall not be required; but any proceedings in Bankruptcy or in cessione Bonorum required to be produced by such Notice as aforesaid, for the purpose of being given in evidence on the Trial of any Action at Law, shall and may be produced by any Clerk of such chief Registrar, by him deputed in that behalf.

119.

And be it Enacted, for the carrying the provisions of this Act into effect, the Commissioners of His Majesty's Court of Bankruptcy shall and may, subject to the sanction and confi mation of the Court of Review, make out a List of Fees to be demanded under this Act, and to be accounted for by the Officers authorized to receive the same to ; and also to prepare, subject to the like sanction and confirmation, a set of Forms, to be applied and used in proceedings under this Act, and also such Rules and Regulations as may be necessary for carrying this Act into effect; and that such Fees shall be paid, such Forms used, and such Rules and Regulations observed until further provision be made by authority of Parliament.

120. Construction of Act.

And be it Enacted, That this Act shall be construed beneficially for Creditors, and that it shall extend to Aliens, Denizens and Women, both to make them subject thereto and to entitle them to all the benefits given thereby; and all Powers given to, or Duties directed to be performed by the Assignees, may be exercised and shall be performed respectively by the major part of such Assignees, or by one Assignee, where only one shall have been chosen; and that wherever

ever this Statute hath used words importing the singular number or the masculine gender only, yet it shall be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction; and that this Act shall not extend either to Scotland or Ireland, except where the same are expressly mentioned.

121. Commencement of Act.

And be it Enacted, That this Act shall commence and come into operation on the

5 WILL. IV.—Sess. 1835.

A

B I L L

For facilitating the Recovery of Debts, the Relief of Debtors willing to make Cession of their Property for the payment of their Debts, the Prevention of Frauds by Debtors, and for abolishing Imprisonment for Debt except in cases of Fraud.

(*Prepared and brought in by*
Sir John Campbell and Mr. Hawes.)

Ordered, by The House of Commons, *to be Printed,*
4 *March* 1835.

20 *April* 1835.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For facilitating the Recovery of Debts, the Relief of Debtors willing to make Cession of their Property for the payment of their Debts, the Prevention of Frauds by Debtors, and for abolishing Imprisonment for Debt except in cases of Fraud.

[N.B.—*The Clauses marked* (A.) *to* (DDD.) *were added by the Committee.*]

WHEREAS the existing Law is defective, in not providing a more summary and less expensive mode of recovering Debts; Preamble.
Be it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT if the Plaintiff in any action on a Bond for payment of Money shall after Suit commenced in any Court, show by Affidavit the due execution of such Bond, and that the Sum secured thereby, or any part thereof, is due to him from the Defendant, and that before the commencement of such Suit demand was made upon the Defendant for the payment of the Sum so due, such Plaintiff shall after service of Process on the Defendant, be entitled to a Rule of the Court, in which such Suit is commenced, or an order of the Judge of such Court, giving notice to the Defendant, that final Judgment will be signed against him for the Sum sworn to be due, unless the Defendant shall within Ten Days after service of the Rule or Order, give Security, to be approved of by an Officer of such Court, for the payment of the Debt and Costs in case the Plaintiff shall obtain final Judgment, or unless the Defendant, upon a summons by him obtained and duly served on the Plaintiff, shall within that time, upon Oath, show sufficient cause to the said Court or a Judge of that Court why final Judgment should not be signed against him, and that such final Judgment shall be so signed unless the Defendant shall either give such Security or show such sufficient cause; and

1. For enabling Persons more easily to recover Monies due upon Bond.

that it shall be incumbent on the Defendant in showing cause, either to admit or deny on oath in writing the execution of the Bond.

2. CLAUSE (A.) Plaintiffs in actions on Bills of Exchange empowered to enter Judgment against the Defendants after Notice.

And be it Enacted, That if the Plaintiff in any Action against the Drawer, Acceptor, Maker or Indorser of a Bill of Exchange or Promissory Note shall, after Suit commenced in any Court, show by Affidavit that the Sum specified in such Bill or Note, or any part thereof, is due to him from the Defendant, and that the Bill or Note was drawn, accepted, made or indorsed by the respective Persons purporting to be the Drawer, Acceptor, Maker or Indorser thereof, and that demand before action brought was made upon the Defendant, for the payment of the Sum so due; such Plaintiff shall after service of Process on the Defendant, be entitled to a Rule of the Court in which such Suit is commenced, or the Order of a Judge of such Court, giving the Defendant notice that final Judgment will be signed against him for the Sum sworn to be due, unless such Defendant shall within Ten Days after the service of the Rule or Order give Security, to be approved by an Officer of such Court, for the payment of the Debt and Costs, in case final Judgment shall be given against him, or unless the Defendant shall within the said time show on Oath sufficient cause to the said Court or a Judge of such Court why final Judgment should not be signed against him, and that such Judgment shall be so signed unless the said Defendant shall either give such Security or show such sufficient cause; and that it shall be incumbent on the Defendant in showing cause, either to admit or deny on Oath in writing the drawing, accepting, making or indorsing of the said Bill of Exchange or Promissory Note.

3. If Debt not paid after final Judgment, Defendant to be taken before Commissioner to be examined touching his Property.

AND whereas also the law is defective in not providing adequate means for enabling Judgment Creditors to obtain satisfaction from the property of their Debtors; BE it therefore Enacted, That in case a Plaintiff shall have signed final Judgment against a Defendant in any Court, and such Defendant shall not satisfy such Judgment within Ten Days after the same shall have been entered up, it shall be lawful for a Commissioner to be appointed under this Act, upon the application of the Plaintiff, to direct such Defendant, if in custody on any charge whatever to be brought before him, or if not in custody, to summon the Defendant to appear before him at such times and places as the said Commissioner shall appoint, for the purpose of being examined touching his Property; and if the Defendant being so summoned shall not attend before the said Commissioner at the time and place appointed, not having been prevented by any lawful impediment then and there made known to the said Commissioner and allowed by him, it shall be lawful for the Commissioner, within whose jurisdiction the Defendant shall reside, by Warrant under his hand and seal to authorize and direct any Person or Persons therein named for that purpose, to apprehend such Defendant wheresoever he may be found, and to bring him before the said Commissioner

sioner to be examined as aforesaid; and upon the appearance of any Defendant so summoned or brought before such Commissioner, the said Commissioner shall examine the Defendant on Oath as to his Property, or so much thereof as to the said Commissioners shall seem necessary, whether Real or Personal, whereof he is seised or possessed, in or to which he is in anywise entitled or interested; and the Commissioner shall or may, if he shall think fit, cause a Specification of the Property of the Defendant to be written out, which Specification the Commissioner may require the Defendant to sign in his presence; and if the said Defendant shall refuse to be sworn, or shall refuse to answer any questions put to him by such Commissioner relating to his Property, or shall refuse to sign such Specification, it shall be lawful for the said Commissioner by Warrant under his hand and seal to commit him to prison, there to remain without bail until he shall submit himself to the said Commissioner to be sworn, and full answers make to his satisfaction to such questions as shall be put to him, and sign the Specification of his Property; and if the Defendant shall not attend, or cannot be found, or will not answer the questions so put to him, the Commissioner shall have power to summon any other person, and examine him as to the property of the said Defendant, and to direct a Memorandum to be made of such Property.

4. Plaintiff in Actions on Debt, empowered to enter Judgment against Defendants, after notice.

And be it Enacted, That if the Plaintiff, in any Action for any Debt, shall, after suit commenced in any Court, show by affidavit that the sum sought to be recovered in such Action, is due to him from the Defendant and on what account, and that demand before Action brought was made upon the Defendant for the payment of the sum so due, such Plaintiff shall, after service of Process on the Defendant, be entitled to a Rule of the Court in which such Suit is commenced, or Order of the Judge of such Court, giving the Defendant notice that final Judgment will be signed against him for the sum sworn to be due, unless such Defendant shall, within Ten Days after the service of the Rule or Order, give security, to be approved by an Officer of such Court, for the payment of the Debt and Costs, in case final Judgment shall be given against him, or unless the Defendant shall, within the said time, show sufficient cause on oath why final Judgment should not be signed against him, and that such Judgment shall be so signed, unless the said Defendant shall either give such security or show such sufficient cause.

5. Service of Summonses.

And be it Enacted, That if such Defendant cannot be personally served with a Summons, leaving the Summons at his dwelling-house or last place of abode, and serving a Copy of such Summons on the Solicitor or Attorney employed on his behalf in the Cause in which Judgment was signed, or if such Solicitor or Attorney cannot be found, service of a Copy of such Summons left at his dwelling-house or

last place of abode shall be deemed sufficient Service on the said Defendant.

6. Commissioner may assign such Defendant's Property to Trustee for payment of the Judgment Debt.

And be it Enacted, That the said Commissioner shall, by a short Indorsement on the Specification or Memorandum of the Defendant's property, assign to a Trustee, to be appointed by the said Commissioner, so much of the Lands and Tenements, Goods and Chattels, Debts, Credits, Specialties, Securities or sums of Money or Stocks in the Public Funds, or of any Public Company, or other Property of the said Defendant as shall be sufficient to satisfy the Judgment of the said Plaintiff, and such Assignment shall be filed as a Record of the Court of the said Commissioner; and such Assignment of the Lands of the said Defendant shall be sufficient to pass any Lands, Tenements or Hereditaments whereof the Defendant shall be seised in tail, in possession, reversion or remainder, and whereof no reversion or remainder is in the Crown; and every such Assignment shall be good against the said Defendant and the Issue of his body, and against all Persons claiming under him after such Judgment, and against all Persons whom the said Defendant by any means might cut off or debar from any remainder, reversion or other interest, in or out of any of the said Lands, Tenements and Hereditaments, and the assignment of the Debts due to the Defendant shall vest the property, right and interest in such Debts in the Trustee; and after such Assignment, neither the Defendant nor any Person claiming through or under him shall have power to recover the same, nor to make any Release or Discharge thereof, neither shall the same be attached as a Debt of the Defendant by any Person according to the custom of the City of London or otherwise, but the Trustee shall have like remedy to recover the same in his own name, in like manner as the Defendant himself might have done before the Assignment.

7. Person appointed by Commissioner empowered to seize concealed Property.

And be it Enacted, That it shall be lawful for any Person appointed by the Commissioner of the Court in which such Petition is filed, by warrant under his hand and seal, to break open any House, Chamber, Shop, Warehouse, or Door of any such Petitioner, where the Property of such Petitioner shall be reputed to be, and seize upon the body or the Property of such Petitioner.

8. Trustee to dispose of the Property in discharge of Plaintiff's Judgment, and to pay over the Surplus (if any) to Defendant.

And be it Enacted, That the Trustee to whom such Assignment shall be made as aforesaid shall, with all convenient speed, recover and get in the Estate and Effects so assigned to him, and shall sell or otherwise dispose of the same, and out of the proceeds thereof shall defray, in the first place, all such Costs and Expenses of recovery, getting in and selling the same as shall be allowed by the said Commissioner, and shall pay over to the said Plaintiff the residue of such proceeds, or so much thereof as shall be sufficient to satisfy the Judgment obtained

obtained by the said Plaintiff, and if any overplus shall remain after satisfying such Judgment, the same shall be paid over by the Trustee to the Defendant or his executors, administrators or assigns.

9. Property assigned to Trustee to vest in his Successor.

And be it Enacted, That the real and personal Estate and Effects vested in the Trustee by virtue of any such Assignment as aforesaid, shall not remain in him if he shall resign or be removed from his Office, nor in his heirs, executors or administrators, in the event of his death, but shall in every such case go to and be vested in his Successor in office immediately upon the appointment of such Successor; and that whenever the Trustee in whom any such real or personal Estate or Effects shall be vested as aforesaid shall die or resign, or be removed from his Office, no action at law or suit in equity commenced or carried on by him shall be thereby abated, but the Court in which any such action or suit is depending, may, upon the suggestion of such death, resignation or removal, allow the name of such Successor to be substituted in the place of the former Trustee, and such action or suit shall be prosecuted in the name of such Successor in the same manner as if he had originally commenced the same; and in case of the death, removal or resignation of a Trustee, it shall be lawful for the Commissioner to appoint another Trustee,

10. Appeal to Court from which Judgment issued

And be it Enacted, That in all cases where a Party is dissatisfied with any decision of the Commissioner in any of the cases before mentioned, it shall be lawful for the Party so dissatisfied to appeal to the Court from which the Judgment issued, such appeal to be in the form of a case agreed on by both Parties or their Attornies; and if they cannot agree, the Commissioner shall settle a case, and sign the same: Provided, That no Person shall be allowed to appeal, unless he shall, within Ten Days from such decision, give notice of his intention to appeal to the other Party, or his Attorney, and also give security to the satisfaction of the Registrar of the Court of such Commissioner for the costs of the Appeal and for the performance of the order, if he be Defendant, and the appeal be dismissed.

11. Clause (B.) If Judgment not satisfied, Commissioner empowered to assign Property to be sold.

And be it Enacted, That if the Property so assigned shall not be sufficient to satisfy the Judgment and Expenses, it shall be lawful for the said Commissioner, on application of the Plaintiff, to bring up and examine the Defendant or other Person in like manner, and in like manner to make other Specifications or Memorandums, and assign such other Propriety of the Defendant as to him shall seem fit to be sold, disposed of and applied in like manner, until the Judgment is satisfied: Provided always, That when the Judgment shall be satisfied, and the expenses incurred as aforesaid shall be paid, the assignment of the Defendant's Property as to such part as remains unsold or undisposed of, shall be thenceforth void.

12. Sheriff to deliver Execution to the Party suing out Judgment.

AND for the more effectual remedy of Creditors under any Judgment, Statute or Recognizance against the Lands of the Defendant; BE it Enacted, That it shall be lawful for every Sheriff or other Officer to whom any Writ or Precept shall be directed at the suit of any Person or Persons of, for and upon any Judgment, Statute or Recognizance, to do, make and deliver Execution unto the Party in that behalf suing, of all such Lands, Tenements, Rectories, Tithes, Rents and Hereditaments, whether the same be freehold, copyhold or of customary tenure, whereof such Person against whom such Execution shall be so issued shall be seised or possessed, or whereof any other Person or Persons shall be seised or possessed in trust for him against whom Execution is so sued at the time of the said Execution sued, and that the same shall be held and enjoyed subject to such the like provisions to which one moiety of the lands, tenements, rectories, tithes, rents and hereditaments of any Party against whom an Elegit is issued are now by law subject: Provided nevertheless, That such Party suing out Execution, and to whom such delivery of any copyhold or customary lands shall be so made, shall be liable and is hereby required to make, do, perform and render to the Lord of the Manor or other Person entitled, all such and the like Payments and Services as the Tenant against whom such Execution shall be issued would have been bound to pay, render, do and perform; and that the Party so suing out such Execution, and to whom any such copyhold or customary lands shall have been so delivered, shall be entitled to hold the same until the amount of such payment, and the value of such services, as well as the amount of the Judgment, shall have been levied.

13. In case Sheriff prevented making Execution by any existing Incumbrance, he may inquire into the nature of such Incumbrance, and the Interest thereunder.

And be it Enacted, That where by reason of any existing Lease or other incumbrance, such Sheriff or other Officer, to whom any such Writ or Process shall be so directed, cannot do, make and deliver Execution unto the Party in that behalf suing, of such lands, tenements, rectories, tithes, rents, and hereditaments, such Sheriff or other Officer shall proceed to inquire of what estate and to what beneficial interest in such lands, tenements, rectories, tithes, rents, and hereditaments, the Party against whom such Execution shall be issued, was seised or beneficially entitled at the time of such Execution sued, and shall make return thereof to the Court from which such Execution was so sued; and that it shall be lawful to and for such Court, on the Petition of such Judgment Creditor, to order and direct the Sale of such Estate or Interest in such lands, tenements, rectories, tithes, rents and hereditaments as such Party against whom such Judgment shall have been obtained shall be seised of or beneficially entitled to, or so much thereof as shall be necessary, and to direct the payment of the Proceeds, or of so much thereof as shall be sufficient to satisfy such Judgment, to the Party who has obtained the same, and that thereupon such Sheriff or other Officer shall make sale of, assign and convey the same; and that such Sale so made

shall

shall be good and effectual against such Party against whom such Judgment shall have been obtained, and all Persons whatsoever claiming by, through or from him ; and if after satisfaction of such Judgment and payment of Sheriff's Poundage and the expenses of such Sale, any surplus shall remain, the said Sheriff shall forthwith pay it to the said Debtor.

14.
Transfer of Stock belonging to Persons against who m Judgment is obtained.

And be it Enacted, That if any Person against whom any Judgment shall have been obtained shall have any Government Stock, Funds or Annuities, or any of the Stocks of any Public Company in England standing in his name in his own right, or in the name of any other Person in trust for him, it shall be lawful for a Judge of the Court in which such Judgment shall have been obtained, on the Petition of any Judgment Creditor, to order all Persons whose act or consent is thereto necessary, to transfer the same, or so much thereof as shall be sufficient to satisfy such Judgment, into the name of such Judgment Creditor, and to pay all Dividends upon the same to such Judgment Creditor; and all Persons whose act is necessary as aforesaid are hereby indemnified from all things done or permitted in pursuance of such Order, and such Judgment Creditor shall have power to sell the said Stock, and after discharging the Debt due to him, shall pay the surplus, if any, to the Defendant.

15.
Sheriff empowered to seize all Obligations and Securities belonging to Judgment Debtor.

And be it Enacted, That by virtue of any Writ of Fieri facias every Sheriff or other Officer having the execution thereof shall and may seize and take all Money, and all Bank Notes, and all Obligations and Securities of the Judgment Debtor, by which any Money shall be payable to or secured to him, and shall and may at the request of the Plaintiff in such Suit pay such Money or assign such Securities and Obligations to him by Indorsement made thereon, or such of them as the said Sheriff shall think sufficient, and that such Plaintiff shall be entitled to hold the same as security or securities for whatever Sum shall be due to him on such Judgment, and to sue in his own name as Assignee thereof for the recovery of the sum or sums secured thereby and due thereon, and that the payment to such Judgment Creditor, by the Party liable on such Obligation or Security, with or without Suit, or the recovery and levying Execution against the Party so liable, shall discharge him to that extent from his liability to the Judgment Debtor on any such Obligation or Security ; and if after satisfaction of the amount of the Judgment, Sheriffs' Proceedings and Expenses, any surplus shall remain, the Judgment Creditor shall pay such surplus to the Defendant.

16.
Clause (C.) Not satisfying a Judgment within

And be it Enacted, That if any Defendant shall be a Trader within the meaning of the Laws now in force respecting Bankrupts, and shall have

Twenty-one Days after it is signed, to be considered an act of Bankruptcy.

have final Judgment signed against him, and shall not, within Twenty-one Days after demand, satisfy such Judgment, he shall be deemed to have committed an Act of Bankruptcy: Provided, That when any Writ of Error is brought upon any Judgment, such act of Bankruptcy shall only be committed on a like default after confirmation of such Judgment.

17. Debtors willing to satisfy their Creditors to the amount of their Assets, to present Petition to Commissioner.

AND whereas it is expedient to enable Debtors to make equal distribution of their Property amongst their Creditors; BE it therefore Enacted, That if any Person shall make an Affidavit before the Commissioner, within whose jurisdiction he resides, that he owes Debts to the amount of Two hundred Pounds, and has Assets to the amount of Fifty Pounds, such Debtor may exhibit a Petition to the said Commissioner, setting forth on oath (to the best of the belief of such Petitioner), a just and true Account of all the real and personal Estate in posession, reversion, remainder or expectancy to which the Petitioner, or any Person or Persons in trust for him, is or was entitled or interested at the time of his so petitioning, and of all Incumbrances or Charges affecting the same; and likewise a true Account of all the Debts due by and to the said Petitioner; and likewise a just and true Account of all Securities wherein any part of the Estate of any such Debtor consists, and of all the Deeds, Evidences and Writings, Books, Bonds, Notes and Papers concerning the same or relating thereto; and before any such Petition shall be received by any such Commissioner, every such Petitioner shall make Oath that he has given or left unto or for all and every the Creditor or Creditors, residing in the United Kingdom of *Great Britain* and *Ireland*, or his her or their Executors or Administrators, and at his her or their usual place of abode, or to or for his her or their Attorney or Agent last employed in any Action, Suit, Cause or Causes against the said Petitioner, in case any such Creditor, his executors or administrators cannot be met with, but not otherwise, or show an excuse therein for any such omission, to be approved of by the Commissioner, a Notice in writing, signed with the proper Name or Mark of every such Petitioner, importing therein that such Petitioner as aforesaid doth intend to petition the Court; which Affidavits shall be delivered with every such Petition at the time of presenting thereof; and if such Commissioner shall thereupon be satisfied, such Petition shall be received and filed.

18. Notice of Petition to be inserted in the London Gazette.

And be it Enacted, That such Commissioner, after such Petition shall have been filed as aforesaid, shall forthwith cause Notice of the filing of such Petition to be given in the *London Gazette*, and shall thereby appoint Two Public Sittings of the Court, the last of which Sittings shall be on the Forty-second day from the filing of the said Petition: Provided that such Commissioner may appoint such last-

mentioned

mentioned Sitting on any other day, so that such day shall not be more than Sixty Days from the filing of such Petition; and it shall be lawful for the Commissioner at the time appointed for the last examination of the Petitioner, or any enlargement or adjournment thereof, to adjourn such examination *sine die*.

Commissioner may adjourn Examination sine die.

19. And be it Enacted, That a number of Persons, not exceeding being Merchants, Brokers or Accountants, or Persons who are or have been engaged in trade, shall be chosen by the Lord Chancellor to act as Official Assignees in all cases of such Petitions, one of which said Official Assignees shall in all cases be an Assignee of such Petitioner's Estate and Effects, together with the Assignee or Assignees to be chosen by the Creditors, such Official Assignee to give such security, to be subject to such Rules, to be selected for such Estate, and to act in such manner as the Commissioners of His Majesty's Court of Bankruptcy, with the consent of the Court of Review, shall from time to time direct; and all the Personal Estate and Effects and the Rents and Profits of the Real Estate, and the Proceeds of Sale of all the Estate and Effects, Real and Personal, of the Petitioner, shall in every case be possessed and received by such Official Assignee alone, save where it shall be otherwise directed by the Commissioner of the Court in which the Petition is filed; and all Stocks in the Public Funds, or of any Public Company, and all Monies, Exchequer Bills, Indentures, Bonds or other public Securities, and all Bills, Notes and other negotiable Instruments, shall be forthwith transferred, delivered and paid by such Official Assignee into such Bank as the said Commissioner shall direct, within Seven Days from the receipt thereof; and if any such Assignee shall neglect to make such transfer, delivery or payment, every such Assignee shall be liable to be charged in his Accounts with such Sum as shall be equal to interest at the rate of Twenty per centum per annum on all such Money for the time during which he shall have so retained the same: Provided always, That until Assignees shall be chosen by the Creditors of each Person so petitioning, such Official Assignees so to be appointed to act with the Assignees to be chosen by the Creditors of each Person so petitioning shall be enabled to act, and shall be deemed to be to all intents and purposes whatsoever a sole Assignee of the Estate of each Person so petitioning as aforesaid.

Lord Chancellor to appoint official Assignees.

20. And be it Enacted, That it shall be lawful for the Lord Chancellor from time to time, as any Vacancy may occur in the number of the before-mentioned Official Assignees, to appoint some other Person as aforesaid to fill any Vacancy so occurring; and in case of the death or removal of any Official Assignee who may have been appointed to act in the Proceedings under any Petition, it shall be lawful for the Commissioner under this Act, subject to any Rules to be made by virtue of this Act, or under any of the Acts relating to Bankrupts, to

Clause (D.) For filling up Vacancies in the number of Assignees.

appoint another Official Assignee in the place of the Official Assignee who shall have so died or been removed.

21. Removal of Assignees.

And be it Enacted, That the Court of Review shall have power to remove any Assignee of any Estate; and the Order of such Court thereupon shall be final and conclusive, and not subject to any review by the Lord Chancellor or otherwise.

22. Assignees of Petitioner's Estate to act with Official Assignee.

And be it Enacted, That at the First public Sitting appointed by such Commissioner, or any Adjournment thereof, One or Two Assignees of the Petitioner's Estate and Effects shall be chosen to act with the Official Assignee, and all Creditors who have proved Debts to the amount of Five Pounds and upwards shall be entitled to vote in such choice; and also any Person authorized by Letter of Attorney from any such Creditor upon proof of the execution thereof, either by Affidavit sworn before a Master in Chancery, Ordinary or Extraordinary, or by Oath before any of the Commissioners of the Court of Bankruptcy, or any Commissioner appointed under this Act, and in case of Creditors residing out of England by Oath before a Magistrate where the Party shall be residing, duly attested by a Notary Public, British Minister or Consul, and the choice shall be made by the major part in value of the Creditors so entitled to vote; provided that the Commissioner shall have power to reject any Person so chosen who shall appear to him unfit to be such Assignee as aforesaid, and upon such rejection a new choice of another Assignee or Assignees shall be made as aforesaid.

23. In case of Death or Resignation of any of such Assignees, Commissioner to appoint a new Assignee.

And be it Enacted, That in case any Assignee of the Estate and Effects of any Petitioner so appointed as aforesaid shall be unwilling to act, or in case of the death, incapability, disability, misconduct or absence from the realm of any such Assignee, it shall be lawful to and for any Creditor of such Petitioners to apply to the said Court to appoint a new Assignee, with like powers and authorities as are given by this Act to the Assignee hereinbefore mentioned; and that the said Court shall have power to remove such Assignees and to appoint such new Assignee, and to compel any Assignee who shall be so removed, and the heirs, executors or administrators of any deceased Assignee, to account for and deliver up to the said Commissioner, or as the said Commissioner shall order, all such Estate and Effects, Books, Papers, Writings, Deeds and other evidences relating thereto, as shall remain in his hands, to be applied for the purposes of this Act.

24. Actions not to abate by Death or Resignation of Assignee.

And be it Enacted, That whenever such Assignee shall die or be removed, or a new Assignee shall be appointed in pursuance of the provisions of this Act, no Action at Law or Suit in Equity shall be thereby abated, but the Court in which any Action or Suit is depending, may,

may, upon the suggestion of such death or removal and new appointment, allow the name of the surviving or new Assignee to be substituted in the place of the former; and such Action or Suit shall be prosecuted in the name of the said surviving or new Assignee in the same manner as if he had originally commenced the same.

25. Clause (E.) Evidence of Appointment of Assignees.

And be it Enacted, That a Certificate of the appointment of such Assignees, purporting to be under the hand of a Commissioner, shall be received as evidence of such Appointment in all Courts and Places without further proof.

26. Clause (F.) Remuneration to Official Assignee.

And be it Enacted, That the Commissioner by whom any Official Assignee may be appointed, may order and allow to be paid out of the Petitioner's Estate to the Official Assignee thereof, as a remuneration for his services, such sum of Money as shall appear to such Commsssioner, upon consideration of the amount of the Petitioner's Property, and the nature of the duties to be performed by the Official Assignee, to be just and reasonable.

27. After Petition filed, Petitioner's Estate, present and future, to vest in Assignees.

And be it Enacted, That when the Petition of any Person shall have been filed as aforesaid, all his Personal Estate and Effects, present and future, shall become vested in and transferred to the Assignee for the time being, by virtue of his appointment; and as often as any such Assignees shall die, or be lawfully removed, and a new Assignee duly appointed, all such Personal Estate as was then vested in such deceased or removed Assignee, shall, by virtue of such appointment, vest in the new Assignee, either alone or jointly with the existing Assignees, as the case may require, without any Deed of Assignment for that purpose.

28. Petitioner's real Estate to vest in Assignees without Conveyance.

And be it Enacted, That when the Petition of any Person shall have been filed as aforesaid, all his present and future Real Estate, whether in the United Kingdom of *Great Britain* and *Ireland*, or in any of the Dominions, Plantations or Colonies belonging to His Majesty, shall vest in the Assignee for the time being, by virtue of his appointment, without any Deed of Conveyance for that purpose; and as often as any such Assignee shall die, or be lawfully removed, and a new Assignee shall be duly appointed, such of the aforesaid Real Estate as shall remain unsold or unconveyed, shall, by virtue of such appointment, vest in the new Assignee either alone or jointly with the existing Assignees, as the case may require, without any Conveyance for that purpose.

29. Clause (G.) Assignee's power not to entitle to Pay or Pension of Naval, Military or Civil Officers.

Provided always, and be it Enacted, That nothing in this Act contained shall entitle a Trustee appointed by a Commissioner, or the Assignee of the Estate and Effects of any such Petitioner, being or having been an Officer of the Army or Navy, or an Officer, Clerk or

otherwise employed or engaged in the service of His Majesty in the Customs or Excise, or any Civil Office or other Department whatsoever, or being or having been in the Naval or Military Service of the *East India* Company, or an Officer or Clerk, or otherwise employed or engaged in the service of the Court of Directors of the said Company, or being otherwise in the enjoyment of any Pension whatever under any department of His Majesty's Government, or from the said Court of Directors, to the Pay, Half-pay, Salary, Emoluments or Pension of any such Petitioner, for the purposes of this Act: Provided always nevertheless, That it shall be lawful for the said Commissioners to order such portion of the Pay, Half-pay, Salary, Emoluments or Pension of any such Petitioner, as on communication from the said Commissioners to the Secretary at War, or the Lords Commissioners of the Admiralty, or the Commissioners of the Customs or Excise, or the Chief Officer of the Department to which such Petitioner may belong, or have belonged, under which such Pay, Half-pay, Salary or Emoluments may be enjoyed by such Petitioner, or the said Court of Directors, he may, under his hand, or under the hand of his Chief Secretary or other Chief Officer for the time being, consent to in writing to be paid to such Assignee, in order that the same may be applied in payment of the debts of such Petitioner, and such order or consent being lodged in the Office of the Paymaster of His Majesty's Forces, or the Treasurer of the Navy, or of the Secretary of the said Court of Directors, or of any other Person appointed to pay or paying any such Pay, Half-pay, Salary, Emoluments or Pension as shall be specified in such order and consent, shall be paid to the said Assignee or Trustee, until such Commissioner shall order to the contrary.

Portion of Pay or Pension may be obtained by Assignees on application.

30. And be it Enacted, That every Petitioner shall (if thereto required) forthwith deliver up to the Official Assignee, upon oath before the Commissioner, all Books of Account, Papers and Writings relating to his Estate in his custody or power, and discover such as are in the custody or power of any other person; and every such Petitioner not in prison or custody, shall at all times after filing the Petition, attend such Assignee upon every reasonable notice in writing for that purpose given to him, or left at his place of abode, and shall assist such Assignee in making out the Accounts of his Estate; and such Petitioner may at all seasonable times before the expiration of the said Forty-two days, or such further time as shall be allowed to him to finish his Examination, inspect his Books, Papers and Writings in the presence of his Assignee, or any Person appointed by him, and bring with him each time any Two Persons to assist him; and every such Petitioner, after he shall have obtained his Certificate, shall, upon demand in writing given to him, or left at his usual place of abode, attend the Assignee to settle any Accounts between his Estate and any Debtor to or Creditor thereof

CLAUSE (H.) Petitioner to deliver up his Books of Account to the Official Assignee upon Oath.

thereof, or attend any Court of Justice, to give Evidence touching the same, or do any act necessary for getting in the said Estate, for which attendance he shall be paid Five Shillings per day by the Assignee out of his Estate; and if such Petitioner shall, after such demand as aforesaid, not attend, or on such attendance refuse to do any of the matters aforesaid without sufficient cause shown to the Commissioner for such refusal, and by him allowed, the Assignee making proof thereof upon Oath before the said Commissioner, the said Commissioner may, by Warrant directed to such person as he shall think proper, cause such Petitioner to be apprehended and committed to such Prison as he shall think fit, there to remain until he shall conform to the satisfaction of the said Commissioner.

31. Person appointed by the Commissioner, empowered to break open Premises belonging to Petitioner, in order to secure concealed Property.

And be it Enacted, That it shall be lawful for the Person so appointed by such Commissioner, to break open any House, Chamber, Shop, Warehouse or Door of such Petitioner in *Ireland*, where any of the Property of such Petitioner shall be reputed to be, and seize the same; provided such Warrant as aforesaid shall have been verified upon Oath, by the Registrar of the Court, before the Commissioner of the said Court; and provided also, that the Person thereby appointed shall, before a Justice of Peace residing in the County where such Property shall be reputed to be, depose upon Oath that he is the Person named in such Warrant.

32. Warrants of Seizure in Scotland to be backed by Judge Ordinary or Justice of the Peace.

And be it Enacted, That if in the execution of any Warrant of Seizure so granted by such Commissioner as aforesaid, it shall be necessary to break open any House, Chamber, Shop, Warehouse or Door of such Petitioner in Scotland, where any of the Property of such Petitioner shall be reputed to be, or to seize and get possession of such Property, such Warrant, after having been verified upon Oath as aforesaid, may be backed or indorsed with the name of a Judge Ordinary or Justice of the Peace in Scotland, who are hereby required within their respective Jurisdictions to back or indorse the same, and such Warrant, so indorsed, shall be sufficient authority to the Person bringing such Warrant, and to all Officers of the Law of *Scotland*, to execute the same within the County or Burgh wherein it is so indorsed, and by virtue thereof to break open the House, Chamber, Shop, Warehouse or Door, of such Petitioner, and to seize and take possession of such Property.

33. Search Warrants may be granted.

And be it Enacted, That in all cases where it shall be made to appear to the satisfaction of any Justice of Peace, in *England, Ireland* or *Scotland*, that there is reason to suspect and believe that property of the Petitioner is concealed in any House, Premises or other place not belonging to such Petitioner, such Justice of Peace is hereby directed

and authorized to grant a Search Warrant to the Person so deputed by such Commissioner as aforesaid, and it shall be lawful for such Person to execute the same in like manner; and such Person shall be entitled to the same protection as is allowed by law in execution of a Search Warrant for property reputed to be stolen or concealed.

34. CLAUSE (I.) Nine-tenths in number and value of Creditors may accept a Composition, which shall bind the rest.

And be it Enacted, That at any Meeting of the Creditors, after the second Public Sitting of the Commissioner (whereof and of the purport of which Twenty-one Days' Notice at least shall have been given in the *London Gazette*), if the Petitioner or his friends shall make an offer of Composition, or security for such Composition, which Nine-tenths in number and value of the Creditors present at such Meeting agree to accept, another Meeting for the purpose of deciding upon such offer shall be appointed, whereof such Notice as aforesaid shall be given; and if at such second Meeting Nine-tenths in number and value of all the Creditors who have proved their Debts shall agree to accept such offer, the said Commissioner may, upon such acceptance being testified by them in writing, dismiss the Petition of such Petitioner; and all Proceedings had thereunder shall thereupon become void, except so far as regards any sale or disposition of the Estate and Effects of such Petitioner previously completed under the power and for the purposes aforesaid; and all and every the Creditors of such Petitioner shall be bound to accept such Composition, and the same shall be in full discharge of their respective Debts.

35. CLAUSE (K.) Mode of voting in deciding upon such Composition.

And be it Enacted, That in deciding upon such offer as aforesaid, any Creditor whose Debt is below Five Pounds shall not be reckoned in number, but the Debt due to such Creditor shall be computed in value; and that any Creditor residing out of *England* shall not be bound by such Composition, unless such Creditor or his Attorney shall assent thereto; and if any Creditor shall agree to accept any gratuity or higher compensation for assenting to such offer, he shall forfeit the Debt due to him, together with such Gratuity or Composition; and the Petitioner shall, if thereto required, make Oath before the Commissioner that there has been no such transaction between him or any person with his privity and any of the Creditors, and that he has not used any undue means or influence with any of them to obtain such assent as aforesaid.

36. Proof of Debts.

And be it Enacted, That at the Two public Sittings so appointed by such Commissioner as aforesaid, and at every other Sittting appointed for proof of Debts (whereof and of the purport whereof Ten Days' Notice shall have been given in the *London Gazette*) every Creditor of the Petitioner may prove his Debt by his own Oath; and all Bodies Politic and Public Companies incorporated, or authorized to sue and bring Actions, either by Charter

or

or Act of Parliament, may prove by an Agent, provided such Agent shall swear in his Deposition that he is such Agent as aforesaid, and that he is authorized to make such proof; provided that any Creditor may prove by Affidavit sworn before any of the Judges of the Court of Review, any Commissioner of His Majesty's Court of Bankruptcy, any Commissioner under this Act, a Master in Chancery, Ordinary or Extraordinary, or, if such Creditor shall live out of *England*, by Affidavit sworn before a Magistrate or British Consul where such Creditor shall be residing, and attested by a Notary-Public, British Minister or Consul; provided that it shall be lawful for the Commissioner to examine upon Oath, by word of mouth or by interrogatories in writing, every Person claiming to prove a Debt, or to require such further proof, and to examine such other Persons in relation thereto as he shall think fit.

37. Clause (L.) Proving a Debt under a Petition, to be an Election, not to proceed by Action.

And be it Enacted, That no Creditor who has brought any Action or instituted any Suit against any Petitioner in respect of a demand prior to filing of the Petition, or which might have been proved as a Debt against the Estate of such Petitioner, shall prove a Debt against the Estate of such Petitioner, or have any claim entered upon the proceedings without relinquishing such Action or Suit; and the proving or claiming a Debt against the Estate of such Petitioner by any Creditor, shall be deemed an Election by such Creditor to take the benefit of such Petition with respect to the Debt so proved or claimed, provided that such Creditor shall not be liable to the payment to such Petitioner or his Assignees of the costs of such Action or Suit so relinquished by him; and that where any such Creditor shall have brought any Action or Suit against such Petitioner jointly with any other Person, his relinquishing such Action or Suit against the Petitioner shall not affect such Action or Suit against such other Person.

38. Persons being Sureties for any Debt of the Debtor, and having paid the Debt or any part thereof, to be entitled to prove their Debts in the same way as other Creditors.

And be it Enacted, That any Person who at the time of filing the Petition shall be Surety or liable for any Debt of the Petitioner, if he shall have paid the Debt, or any part thereof, in discharge of the whole Debt, although he may have paid the same after filing of the Petition, if the Creditor shall have proved the Debt, shall be entitled to stand in the place of such Creditor as to the Dividends and all other rights which such Creditor possessed or would be entitled to in respect of such proof; or if the Creditor shall not have proved, such Surety or Person liable, shall be entitled to prove his demand in respect of such payment as a Debt, not disturbing the former Dividends, and may receive Dividends with the other Creditors.

39. Obligees in Bottomry Bonds allowed to claim after Contingency shall have happened.

And be it Enacted, That the Obligee in any Bottomry or Respondentia Bond, and the Assured in any Policy of Assurance made upon good and valuable consideration, shall be admitted to claim, and after the loss or contingency shall have happened to prove his Debt or Demand

Demand in respect thereof, and receive Dividends with the other Creditors, as if the loss or contingency had happened before the filing the Petition by such Obligor or Insurer; and the Person effecting any Policy of Insurance upon Ships or Goods with any Person as a Subsciber or Underwriter, where his Petition shall have been filed as aforesaid, shall be entitled to prove any loss to which such Petitioner shall be liable in respect of such subscription, although the Person so effecting such Policy was not beneficially interested in such Ships or Goods, in case the Person so interested is not within the United Realm.

40. Annuity Creditors entitled to prove for Value of such Annuity.

And be it Enacted, That any Annuity Creditor of any such Petitioner, by whatever Assurance the same be secured, and whether there were or not any arrears of such Annuity due at the time of filing the Petition, shall be entitled to prove for the Value of such Annuity, which Value the Commissioner shall ascertain, regard being had to the original Price given for the said Annuity, deducting therefrom such diminution in the Value thereof as shall have been caused by the lapse of time since the grant thereof to the date of filing the Petition.

41. Annuity Creditors not to sue Collateral Securities until they have proved against the Petitioner.

And be it Enacted, That it shall not be lawful for any Person entitled to any Annuity granted by any such Petitioner to sue any Person who may be Collateral Surety for the payment of such Annuity, until such Annuitant shall have proved against such Petitioner for the Value of such Annuity and for the arrears thereof; and if such Surety, after such proof, pay the Amount proved as aforesaid, he shall be thereby discharged from all claims in respect of such Annuity; and if such Surety shall not, before any payment of the said Annuity, subsequent to the filing the Petition, shall have become due, pay the sum so proved as aforesaid, he may be sued for the accruing payments of such Annuity, until such Annuitant shall have been paid or satisfied the Amount so proved with Interest thereon at the rate of Four per centum per annum, from the time of notice of such proof and of the amount thereof being given to such Surety; and after such payment or satisfaction, such Surety shall stand in the place of such Annuitant in respect of such proof as aforesaid to the amount so paid or satisfied as aforesaid by such Surety, and the Certificate of the Petitioner shall be a discharge to him from all claims of such Annuitant or of such Surety in respect of such Annuity; provided that such Surety shall be entitled to credit in account with such Annuitant for any Dividends received by such Annuitant under the Petition before such Surety shall have fully paid or satisfied the Amount so proved as aforesaid.

42. Commissioner to set the Value upon Contingency Debts in

And be it Enacted, That if any such Petitioner shall before the filing of his Petition have contracted any Debt payable upon a contingency which shall not have happened before the filing of such Petition,

Petition, the Person with whom such Debt has been contracted, may, if he think fit, apply to the Commissioner to set a value upon such Debt; and the Commissioner is hereby required to ascertain the Value thereof, and to admit such Person to prove the Amount so ascertained, and to receive Dividends thereon; or if such Value shall not be so ascertained before the contingency shall have happened, then such Person may, after such contingency shall have happened, prove in respect of such Debt, and receive Dividend with the other Creditors, not disturbing any former Dividends.

cases where Contingency has not happened.

43. Holders of Promissory Notes whereon Interest is not reserved, entitled to prove Interest.

And be it Enacted, That in all cases where any Petitioner shall be liable upon any Bill of Exchange or Promissory Note, whereupon Interest is not reserved, overdue at the time of filing the Petition, the Holder of such Bill of Exchange or Promissory Note shall be entitled to prove the Interest upon the same, to be calculated to the date of filing the Petition, at such rate as is allowed by the Court of King's Bench in Actions upon such Bills or Notes.

44. Creditors entitled to prove for the Costs they have been put to in any Action against any Petitioner, wherein they have obtained Judgment.

And be it Enacted, That if any Plaintiff in any Action at Law or Suit in Equity, or Petition in Bankruptcy or Lunacy, shall have obtained any Judgment, Decree or Order against any Person (whose Petition shall have been filed under this Act as aforesaid) for any Debt or Demand in respect of which such Plaintiff or Petitioner shall prove, under the Petition such Plaintiff or Petitioner shall also be entitled to prove for the Costs which he shall have incurred in obtaining the same, although such Costs shall not have been taxed at the time of the filing the Petition.

45. Clause (M.) Creditors allowed to prove for Interest, where Interest is now by law paid or allowed.

And be it Enacted, That in all cases where any Petitioner shall be liable for any Debt in respect of which Interest would now by law be payable or allowable in the nature of damages, the Creditor to whom such Debt shall be due shall be entitled to prove the Interest upon the same, to be calculated to the date of filing the Petition, at such rate as is allowed by the Court of King's Bench in Actions upon Bills of Exchange.

46. Clause (N.) Joint Creditor entitled to prove under separate Estate, for the purpose of voting in the choice of Assignees.

And be it Enacted, That in all Petitions by one or more of the Partners of a Firm, any Creditor to whom the Petitioner is indebted jointly with the other Partner or Partners of the said Firm, or any of them, shall be entitled to prove his Debt against the Estate of such Petitioner for the purpose only of voting in the choice of Assignees under such Petition, and of assenting to or dissenting from the Certificate of such Petitioner, or of either of such purposes; but such Creditor shall not receive any Dividend out of the separate Estate of the Petitioner until all the separate Creditors shall have received the full Amount of their respective Debts.

47. CLAUSE (O 1.) Joint and separate Estates to be administered as in Bankruptcy.

And be it Enacted, That in case all the Partners of any Firm shall become Petitioners, the joint and separate Estates of such Partners shall be administered as in Bankruptcy.

48. CLAUSE (O 2.) Commissioner may order Three Months' Wages to Clerks or Servants.

And be it Enacted, That when any Petitioner shall have been indebted at the time of filing his Petition to any Servant or Clerk of such Petitioner in respect of the Wages or Salary of such Servant or Clerk, it shall be lawful for the Commissioner, upon proof thereof, to order so much as shall be so due as aforesaid, not exceeding Three Months' Wages or Salary, and not exceeding Twenty Pounds, to be paid to such Servant or Clerk out of the Estate of such Petitioner, and such Servant or Clerk shall be at liberty to prove against the Estate of the said Petitioner for any sum exceeding such last-mentioned Amount.

49. CLAUSE (P.) Commissioner may order One Week's Wages to Labourer or Workman.

And be it Enacted, That when any Petitioner shall have been indebted at the time of filing his Petition to any Labourer or Workman of such Petitioner, in respect of the Wages of such Labourer or Workman, it shall be lawful for the said Commissioner, upon proof thereof, to order so much as shall be so due as aforesaid, not exceeding One Week's Wages or Labour, and not exceeding Thirty Shillings, to be paid to such Workman or Labourer out of the Estate of such Petitioner, and such Workman or Labourer shall be at liberty to prove against the Estate of the Petitioner for any sum exceeding such last-mentioned Amount.

50. CLAUSE (Q.) Commissioners may order any sum to be paid in respect of Apprentice Fee, and may assign Apprentice.

And be it Enacted, That where any Person shall be an Apprentice to a Petitioner at the time of filing the Petition, if any sum shall have been really and *bonâ fide* paid by or on the behalf of such Apprentice to the Petitioner as an Apprentice Fee, it shall be lawful for the Commissioner, upon proof thereof, to order any sum to be paid to or for the use of such Apprentice which he shall think reasonable, regard being had, in estimating such sum, to the amount of the sum so paid by or on behalf of such Apprentice to the Petitioner, and to the time during which such Apprentice shall have resided with the said Petitioner previous to the filing of such Petition, and the Commissioner may, by writing under his hand, assign the said Apprentice to any Person at the desire of the Parent or Guardian of such Apprentice, and such Assignment shall be good and valid without any Stamp being affixed thereto.

51. If Assignees consider any Debt proved not to be due, Commissioner may inquire into the same.

And be it Enacted, That whenever it shall appear to the Assignee, or to Two or more Creditors who have each proved Debts to the amount of Ten Pounds or upwards, that any Debt proved before such Commissioner is not justly due either in whole or in part, such Assignee or Creditor may make representation thereof to the Commissioner; and it shall be lawful for the said Commissioner to summon before him and examine upon oath any such Person who shall have so proved as aforesaid, together with any Person whose evidence may appear

to

to the Commissioner to be material, either in support of or in opposition to any such Debt; and if the said Commissioner, upon the evidence given on both sides, or (if the Person who shall have so proved as aforesaid shall not attend to be examined, having been first duly summoned, or notice having been left at his last place of abode) upon the evidence adduced by such Assignee or Creditors as aforesaid, shall be of opinion that such Debt is not due either wholly or in part, the said Commissioner shall be at liberty to expunge the same either wholly or in part from the proceedings; provided that such Assignees or Creditors requiring such investigation shall, before it is instituted, sign an Undertaking, to be filed with the proceedings, to pay such Costs as the Commissioner shall adjudge to the Creditor who has proved such Debt as aforesaid.

52. Where Petitioner has conveyed or pledged any Deeds upon condition of Redemption, Assignees may tender Performance as fully as Petitioner.

And be it Enacted, That if any such Petitioner shall have granted, conveyed, assured or pledged any Real or Personal Estate, or deposited any Deeds, such grant, conveyance, assurance, pledge or deposit being upon condition or power of redemption at a future day by payment of Money or otherwise, the Assignees may, before the time of the performance of such condition, make tender or payment of Money or other performance, according to such condition, as fully as the said Petitioner might have done, and after such tender, payment or performance may sell and dispose of such Real or Personal Estate for the benefit of the Creditors as aforesaid.

53. Persons having given credit upon valuable Consideration not due when Petition filed, entitled to prove as other Creditors.

And be it Enacted, That any Person who shall have given Credit to such Petitioner upon valuable consideration for any Money or other matter or thing whatsoever which shall not have become payable when his Petition was filed, and whether such Credit shall have been given upon any Bill, Bond, Note or other negotiable Security or not, shall be entitled to prove such Debt, Bill, Bond, Note or other Security as if the same was payable presently, and receive Dividends equally with the other Creditors, deducting only thereout a Rebate of Interest for what he shall so receive at the rate of Five per centum, to be computed from the Declaration of a Dividend to the time such Debt would have become payable according to the terms upon which it was contracted.

54. Clause (R.) Powers of Assignees chosen by Creditors, and restriction of the authority of Official Assignees.

And be it Enacted, That the Assignee so to be chosen by the Creditors of the Petitioner as aforesaid, and the official assignee, shall have the like Powers and Authorities as the assignees of Bankrupts Estates have under the Laws now in force concerning Bankrupts, and nothing herein contained shall extend to authorize any official Assignee to interfere with the Assignees chosen by the Creditors in the appointment or removal of a Solicitoror Attorney or Auctioneer, or in directing the time and manner of effecting any Sale of the Estate and Effects of any Petitioner.

55. Petition not to be defeated by act of Bankruptcy.

And be it Enacted, That the Estate of any such Petitioner, Real and Personal, shall vest in such Assignee as is hereinbefore provided, notwithstanding any act of Bankruptcy by such Petitioner, unless a Fiat in Bankruptcy shall have been issued previous to the filing such Petition.

56. Registering Transfers of Property.

And be it Enacted, That where according to any laws now in force any Conveyance or Assignment of any Real or Personal Property of any such Petitioner would require to be registered, inrolled or recorded in any Registry Office in England, Wales or Ireland or in any Registry Office, Court or other Place in Scotland, or any of the Dominions, Plantations or Colonies belonging to His Majesty, that in every such case such Certificate as hereafter is described of the appointment of an Assignee or Assignees shall be registered in the Registry Office, Court or Place wherein such Conveyance or Assignment as last aforesaid would require to be registered, inrolled or recorded, and the Registry hereby directed shall have the like effect to all intents and purposes as the registry, inrolment or record of such Conveyance or Assignment as last aforesaid would have had; and the Title of any Purchaser of any such Property as last aforesaid for valuable consideration, without notice of filing such Petition, who shall have duly registered, inrolled or recorded the Purchase Deed previous to the registry hereby directed, shall not be invalidated by reason of such appointment of an Assignee as aforesaid, or the vesting such Property in him consequent thereupon, unless the Certificate of such Appointment shall be registered as aforesaid within the times following; (that is to say) as regards the United Kingdom of *Great Britain* and *Ireland*, within Two Months from the date of such appointment, and as regards all other Places, within Twelve Months from the date thereof.

57. For preventing fraudulent Transfers by Petitioners.

And be it Enacted, That if any Petitioner shall, before or after the filing of his Petition as aforesaid, being in insolvent circumstances voluntarily convey, assign, transfer, charge, deliver or make over any Estate, Real or Personal, Security for Money, Bond, Bill, Note, Money, Property, Goods or Effects whatsoever to any Creditor, or to any Person in trust, for or to or for the use, benefit or advantage of any Creditor, every such Conveyance, Assignment, Transfer, Charge, Delivery and making over shall be deemed and is hereby declared to be fraudulent and void as against any Assignee of the Estate and Effects of such Petitioner appointed under this Act: Provided always, That no such Conveyance, Assignment, Transfer, Charge, Delivery or making over, where the same shall be made before Petition filed, shall be so deemed fraudulent and void, unless made within Three Months before the filing of the Petition by such Petitioner.

58. Clause (S.) Petitioner conveying his Lands or

And be it Enacted, That if any Petitioner, being at the time insolvent, shall (except upon the marriage of any of his Children, or for

some

some valuable consideration) have conveyed, assigned or transferred to any of his Children, or any other Person, any Hereditaments, Offices, Fees, Annuities, Leases, Goods or Chattels, or have delivered or made over to any such Person any Bills, Bonds, Notes or other Securities, or have transferred his Debts to any other Person or Persons, or into any other Person's Name, the Assignee shall have the Power to sell and dispose of the same as aforesaid, and every such Sale shall be valid against the Petitioner, and such Children and Persons as aforesaid, and against all persons claiming under him.

Goods to others, or delivering Securities, or transferring Debts into other Names, valid.

59. For preventing fraudulent Extents.

And be it Enacted, That if any Real or Personal Estate or Debts of any such Petitioner be extended after his Petition shall have been filed, by any Person under pretence of his being an Accountant of or Debtor to The King, the Commissioner may examine upon oath whether the said Debt was due to such Debtor or Accountant upon any Contract originally made between such Accountant and the Petitioner, and if such Contract was originally made with any other Person than the said Petitioner or Accountant, or in trust for any other Person or Persons, such Commissioner may sell and dispose of such Real and Personal Estate or Debts for the benefit of the Creditors who shall have proved, and such Sale shall be valid against the said Extent and all Persons claiming under it; and any Person to whom the said Real and Personal Estate or Debts shall be bargained, sold, granted or assigned by such Commissioner, shall have and may recover the same against any Person who shall detain the same.

60. Sequestration for Debts of Beneficed Clergymen and Curates.

And be it Enacted, That nothing in this Act contained shall extend to entitle the Assignee of the Estate and Effects of any such Petitioner, being a beneficed Clergyman or Curate, to the Income of such Benefice or Curacy for the purposes of this Act: Provided always nevertheless, That it shall be lawful for such Assignee to apply for and obtain a Sequestration of the Profits of any such Benefice or Curacy for the payment of the Debts of such Petitioner; and the Commissioner's Certificate of the filing of such Debtor's Petition in pursuance of this Act shall be a sufficient warrant for the granting such Sequestration, without any Writ or other proceedings to authorize the same, and such Sequestration shall accordingly be issued as the same might be issued upon any Writ of Levari facias founded upon any Judgment against any such Petitioner.

61. Clause (T.) Distress not to be available for more than one year's Rent due; the Landlord to prove for the residue.

And be it Enacted, That no Distress for Rent made and levied after filing a Petition upon the Goods or Effects of any Petitioner (whether before or after the filing of the Petition) shall be available for more than One year's Rent accrued prior to the filing of the Petition; but the Landlord or Party to whom the Rent shall be due shall be allowed to come in as a Creditor under the Petition for the overplus of the Rent due, and for which the Distress shall not be available.

62. Transfer of Government Stocks, &c. belonging to Petitioners.

And be it Enacted, That if any such Petitioner shall, at the time of filing such Petition, or at any time before he shall have obtained his Certificate, according to this Act, have any Government Stocks, Funds or Annuities, or any of the Stock or Shares of any Public Company, either in *England*, *Ireland* or *Scotland*, standing in his own name in his own right, or in the name of any Trustee for his benefit, it shall be lawful for the Commissioner, whenever he shall deem fit so to do, to order all Persons whose act or consent is thereto necessary, to transfer the same into the name of such Assignee or Assignees as aforesaid; and all such Persons whose act or consent is so necessary, are hereby indemnified for all things done or permitted pursuant to such Order.

63. In cases where Persons petitioning are entitled to any Lease or Agreement.

And be it Enacted, That in all cases in which any such Petitioner shall be entitled to ny Lease or Agreement for a Lease, and his Assignee shall accept the same, the said Petitioner shall not be liable to pay any Rent accruing, after the date of filing the Petition or be in any manner sued after such acceptance in respect or by reason of any subsequent non-observance or non-performance of the conditions, covenants or agreements therein contained, and if the Assignees decline the same, shall not be liable as aforesaid, in case he deliver up such Lease or Agreement to the Lessor or such Person agreeing to grant a Lease, within Fourteen Days after he shall have had notice that the Assignees shall have declined the same as aforesaid; provided that in all such cases as aforesaid it shall be lawful for the Lessor or Person agreeing to make such Lease, his heirs, executors, administrators or assigns, if the said Assignee shall decline, upon his or their being required so to do, to determine whether he will or will not accept such Lease or Agreement for a Lease, to apply to the Commissioner, praying that either he may so accept the same, or deliver up such Lease or Agreement for a Lease and the possession of the premises demised or intended to be demised; and the said Commissioner shall thereupon make such Order as in all the circumstances of the case shall seem meet and just, and such Order shall be binding on all Parties.

64. If Petitioner has agreed for Purchase of Estates, Assignees not forced to complete, unless they deem fit.

And be it Enacted, That if any such Petitioner shall have entered into any Agreement for the Purchase of any Estate or Interest in Land, the Vendor thereof, or any Person claiming under him, if the Assignee of such Debtor shall not (upon being thereto required) elect whether he will abide by and execute such Agreement or abandon the same, shall be entitled to apply to the Commissioner, who may thereupon order him to deliver up the said Agreement and the possession of the Premises to the Vendor or Person claiming under him, or may make such other Order therein as he shall think fit.

And

65. Assignees may exercise all Powers vested in Petitioner for benefit of Creditors.

And be it Enacted, That all Powers vested in any such Petitioner which he might legally execute for his own benefit (except the right of nomination to any vacant Ecclesiastical Benefice) may be executed by the Assignee for the benefit of the Creditors in such manner as the Petitioner might have executed the same.

66. Sale of Copyhold or Customary Lands.

And be it Enacted, That the Commissioner of Court in which any such Petition is filed shall have the power, by Deed indented and inrolled in any of His Majesty's Courts of Record, to make Sale, for the benefit of the Creditors, of any Copyhold or Customary Lands, or of any Interest to which any such Petitioner is entitled therein, and thereby to entitle or authorize any Person or Persons on their behalf to surrender the same for the purpose of any Purchaser being admitted thereto.

67. Persons buying such Copyhold or Customary Lands to compound with the Lords of the Manors before they enter into possession.

And be it Enacted, That every Person to whom any Sale or Assignment of Copyhold or Customary Land or Tenements shall be made by the Commissioner, shall, before he enter into or take any profit of the same, agree and compound with the Lords of the Manors of whom the same shall be holden, for fines, dues and other services as theretofore have usually been paid for the same, and thereupon the said Lords shall, at the next or any subsequent Court to be holden for the said Manors, grant unto such Vendee, upon request, the said Copyhold or Customary Lands or Tenements for such Estate or Interest as shall have been so sold or assigned to him as aforesaid, reserving the ancient rents, customs and services, and shall admit him Tenant of the same.

68. Commissioner may issue Summons for attendance of Petitioner.

And be it Enacted, That it shall be lawful for the said Commissioner, by Summons under his hand, to summon the Petitioner, before him whether such Petitioner shall have obtained his Certificate, as hereinafter mentioned, or not; and in case he shall not come at the time in such Summons appointed, having no lawful impediment made known to such Commissioner at such time and allowed by him, it shall be lawful for the said Commissioner, by Warrant under his hand and seal, to authorize and direct any person he shall think fit to apprehend and arrest such Person so petitioning, and bring him before him; and upon the appearance of such Person on apprehension by virtue of such Warrant, or otherwise, it shall be lawful for such Commissioner to examine him upon Oath, either by word of mouth or on Interrogatories in writing, touching all matters relating either to his dealings or estate, or which may tend to disclose any secret Grant, Conveyance or concealment of his Lands, Tenements, Goods, Money or Debts, and to reduce his Answers into writing, which Examination so reduced into writing the said Petitioner shall sign and subscribe; and if such Petitioner shall refuse to be sworn, or shall refuse to answer any questions put to him by the said Commissioner touching any of the matters aforesaid, or shall not

fully answer to the satisfaction of the said Commissioner any such questions, or shall refuse to sign and subscribe his Examination so reduced into writing as aforesaid, not having any lawful objection allowed by the said Commissioner, it shall be lawful for the said Commissioner, by Warrant under his hand and seal, to commit him to such prison as he shall think fit, there to remain without Bail until he shall submit himself to the said Commissioner to be sworn, and full answers make, to the said Commissioner's satisfaction, to such questions as shall be put to him, and sign and subscribe such Examination.

69.
CLAUSE (U.) Petitioner in custody to be brought before Commissioner.

And be it Enacted, That when any Petitioner is in Prison, or in custody for any cause whatsoever, the Commissioner may, by warrant under his hand, directed to the Person in whose custody such Petitioner is confined, cause such Petitioner to be brought before him at any sitting, and the expense thereof shall be paid out of his Estate; and such Person shall be indemnified by the Warrant of such Commissioner for bringing up such Petitioner: Provided that the Assignees may appoint any Person to attend such Petitioner from time to time, and to produce to him his Books, Papers and Writings, in order to prepare an Abstract of his Accounts, and a Statement to show the particulars of his Estate and Effects previous to his final Examination and discovery thereof; a Copy of which Abstract and Statement the said Petitioner shall deliver to them Ten Days at least before his final Examination.

Assignees may appoint Persons to attend Petitioner in Prison.

70.
Commissioner empowered to summon Persons supposed to possess Property belonging to Petitioner.

And be it Enacted, That after such Petition shall have been filed, that it shall be lawful for such Commissioner to summon before him any Person known or suspected to have any of the Estate of the Petitioner, or who is supposed to be indebted to the Petitioner, or any Person whom such Commissioner believes capable of giving information concerning the Dealings or Estate of such Petitioner, or any Person whom he shall believe capable of giving evidence on any matter before him as such Commissioner; and it shall be lawful for the said Commissioner to require such Person to produce any Books, Papers, Deeds, Writings or other Documents in his custody or power which may appear to the said Commissioner necessary to the verification of the Depositions of such Persons as to the full disclosure of any of the matters which such Commissioner is authorized to inquire into; and if such Person, so summoned as aforesaid, shall not come in before such Commissioner at the time appointed, having no lawful impediment made known to the said Commissioner and allowed by him, it shall be lawful for the said Commissioner, by Warrant under his hand and seal, to authorize and direct the Person therein named for that purpose to apprehend and arrest such Person and bring him before him to be examined as aforesaid.

And

71. Commissioner may examine such Persons on their appearance.

And be it Enacted, That upon the appearance of any Person before such Commissioner, whether summoned or not, it shall be lawful for the Commissioner to examine every such Person upon Oath, either by word of mouth or by Interrogatories in writing, concerning the Dealings or Estate of such Petitioner, or concerning any other matter before him as such Commissioner, and to reduce into writing the Answers of such Person, and such Answers so reduced into writing the Party examined is hereby required to sign and subscribe; and if any such Person shall refuse to be sworn, or shall refuse to answer any lawful questions put to him by such Commissioner touching any of the matters aforesaid, or shall not fully answer to the satisfaction of the said Commissioner any such lawful questions, or shall refuse to sign and subscribe his Examination so reduced into writing as aforesaid, not having any lawful objection allowed by the said Commissioner, or shall not produce any Books, Papers, Deeds or Writings and other Documents in his custody or power relating to any of the matters aforesaid which such Person was required by the said Commissioner to produce, and to the production of which he shall not state any objection allowed by the said Commissioner, it shall be lawful for him, by Warrant under his hand and seal, to commit such Person to such Prison as he shall think fit, there to remain without Bail until he shall submit himself to be sworn and full answers make, to the Commissioner's satisfaction, to all such lawful questions as shall be put to him, and sign and subscribe such Examination, and produce such Books, Papers, Deeds, Writings and other Documents as aforesaid in his custody or power, to the production of which no such objection as aforesaid has been allowed.

72. Clause (X.) Commissioners may take Evidence, vivâ voce, or upon Affidavit, before a Judge or Master.

And be it Enacted, That the said Commissioners may in all matters within their respective jurisdictions have Power to take the whole or any part of the Evidence either *vivâ* on oath, or upon affidavits to be sworn before a Judge of the Court of Review, a Commissioner of the Court of Bankrupty, a Commissioner under this Act, or a Master Ordinary or Extraordinary in Chancery, as the said Commissioner under this Act may direct, or as may from time to time be prescribed by any general rule to be made by virtue of an Act of Parliament passed in the first and second year of His present Majesty, intituled, "An Act to establish a Court of Bankruptcy."

73. Witnesses summoned allowed Expenses.

And be it Enacted, That when any Person known or suspected to have any of the Estate of such Petitioner, or who is supposed to be indebted to such Petitioner, shall be summoned to attend before such Commissioner, every such Person shall have such Costs and Charges as the said Commissioner shall in his discretion think fit; and every Witness summoned to attend before such Commissioner shall have his necessary Expenses tendered to him in like manner as is now by

law required upon service of a Subpœna to a Witness in an Action at Law.

74. Commissioner may summon Wife of Petitioner.

And be it Enacted, That it shall be lawful for the said Commissioner, in manner aforesaid, to summon before him the Wife of any Petitioner, and in manner aforesaid to examine her for the finding out and discovery of the Estate, Goods and Chattels of such Petitioner as aforesaid, concealed, kept or disposed of by such Wife in her own person or by her own act, or by any other Person; and she shall incur such Danger or Penalty for not coming before, or for refusing to be sworn and examined, or for refusing to sign or subscribe her Examination, or for not fully answering to the satisfaction of the Commissioner, as is hereby provided against other Persons.

75. Commissioner in Warrant of Commitment for not answering any Question, to specify the Question.

And be it Enacted, That if any Person be committed by such Commissioner for refusing to answer, or for not fully answering any Question put to him by the said Commissioner, such Commissioner shall in his Warrant of Commitment specify every such Question; provided that if any Person committed by such Commissioner shall sue out any *Habeas Corpus* in order to be discharged from such Commitment, and there shall appear, on the return of such *Habeas Corpus*, any such insufficiency in the form of the Warrant whereby such Person was committed, by reason whereof he might be discharged, it shall be lawful for the Court or Judge before whom such Party shall be brought by *Habeas Corpus*, and such Court or Judge is hereby required to commit such Person to the same Prison, there to remain until he should conform, unless it shall be shown to such Court or Judge by the Party committed that he has fully answered all lawful Questions put to him by such Commissioner, or if such Person was committed for refusing to be sworn, or for not signing his Examination, unless it shall appear to such Court or Judge that he had a sufficient reason for the same: Provided also, That such Court or Judge shall, if required thereto by the Party committed, in case the whole of the Examination of the Party so committed shall not have been stated in the Warrant of Commitment, and the whole of the Examination of such Party, whereof any such Question was a part, and if it shall appear from the whole Examination that the Answer or Answers of the Party committed is or are satisfactory, such Court or Judge shall or may order the Party so committed to be discharged.

76. Penalty on Gaolers allowing Debtors committed to their charge to escape.

And be it Enacted, That if any Gaoler to whose custody any Person shall be committed as aforesaid, shall wilfully suffer such Person to escape, every such Gaoler shall forfeit Five hundred Pounds.

77. Penalty for fraudulently concealing

And be it Enacted, That any Person wilfully concealing any Real or Personal Estate of such Petitioner, and who shall not within the time appointed

appointed for his last examination, discover such Estate to the Commissioner or Assignee, shall forfeit the sum of One hundred Pounds and Double the Value of the Estate so concealed; and any Person who shall after the expiration of the time aforesaid, voluntarily discover to one or more of the Assignees any part of such Debtor's Estate not before come to the knowledge of the Assignees, shall be allowed Five per centum thereupon, and such further reward as the major part in value of the Creditors present at any Meeting called for that purpose shall think fit to be paid out of the Estate recovered by such discovery.

Property after Judgment.

78

And be it Enacted, That it shall be lawful for the Commissioner, before the choice of Assignees, and after such choice, for the Assignees, with the approbation of the Commissioner testified in writing under his hand, from time to time to make such Allowance to the Petitioner out of his Estate, until he shall have passed his last Examination, as shall be necessary for the support of himself and his family.

Allowance may be made to Petitioner.

79.

CLAUSE (Y.)

And be it Enacted, That the Court of Review, the Commissioners of His Majesty's Court of Bankruptcy, and the Commissioners appointed under this Act, may award in all matters before them such Costs as to them shall seem fit and just.

Costs may be awarded by the Court of Review, and Commissioners.

80.

CLAUSE (Z.)

And be it Enacted, That in cases in which the said Court of Review, or a Commissioner of His Majesty's Court of Bankruptcy, or a Commissioner under this Act, is or are by this Act authorized to award Costs against any Persons, it shall and may be lawful for such Court, or such Commissioners, to cause such Costs to be recovered from such Person in the same manner as Costs awarded by a rule of any of the superior Courts at *Westminster* may be recovered.

Recovery of Costs.

81.

And be it Enacted, That after this Act shall have come into effect, no Deeds, Conveyances, Assignments, Surrenders, Admissions and other Assurances of or to or relating solely to any Freehold, Leasehold, Copyhold or Customary Messuages, Lands or Tenements, or any Mortgage, Charge or other Incumbrance upon, or any Estate, Right or Interest of and in any Messuages, Lands, Tenements or Personal Estate, being the Estate of or belonging to any Petitioner, or part or parcel thereof, and which, after the execution of such Deeds, Conveyances, Assignments, Surrenders or Assurances respectively shall either in law or in equity be or remain the Estate and Property of such Petitioner, or the Assignee appointed or chosen by virtue of this Act; nor any Powers of Attorney, Writs of Supersedeas and Procedendo, Certificates of Conformity, Affidavits and all other Instruments and Writings whatsoever relating solely to the Estate or Effects of any Petitioner, or any part thereof, nor any Proceedings under any such

Proceedings under the Act not liable to Stamp Duty.

such Petition, nor any Advertisements inserted in the *London Gazette* relating solely to the matters of such Petition, shall be liable to any Stamp Duty or any other Government Duty whatsoever; and no Sales of any Real or Personal Estate of any such Petitioner shall be liable to any Auction Duty.

82. Limitation of Actions.

And be it Enacted, That every Action brought against any Person for any thing done in pursuance of this Act, shall be commenced within Three calendar Months next after the fact committed; and if it shall appear that such Action was commenced after the time before limited for bringing the same, the Jury shall find for the Defendant; and if there be a Verdict for the Defendant, or if the Plaintiff shall be nonsuited, or discontinue his Action or Suit, after appearance thereto, or if upon Demurrer Judgment shall be given against the Plaintiff, the Defendant shall recover Double Costs.

83. Assignees to keep Account of Property of Petitioner.

And be it Enacted, That the Assignees shall keep an Account wherein they shall enter all Property of the Petitioner received by them, and all Payments made by them on account of such Petitioner's Estate, which Account every Creditor who shall have proved may inspect at all seasonable times; and it shall be lawful for the Commissioner at all times, by writing under his hand, to summon the Assignee before him, and require him to produce all Books, Papers, Deeds, Writings and other Documents relating to the Petitioner, in his possession; and if such Assignee so summoned shall not come before the Commissioner at the time appointed (having no impediment made known to the Commissioner, and allowed by him) it shall be lawful for the said Commissioner, by Warrant under his hand and seal, directed to such person as he shall think fit, to cause such Assignee to be brought before them, and upon their refusing to produce such Books, Deeds, Writings, Papers or Documents as aforesaid, it shall be lawful for the said Commissioner to commit the Party so refusing to such Prison as he shall think fit, there to remain without Bail until such Party shall submit himself to the said Commissioner.

84. Clause (AA.) Creditors to direct where the Money arising from the Petitioner's Estate shall be paid in, &c.

And be it Enacted, That at the Meeting of Creditors for the choice of Assignees, the major part in value of such Creditors there present may direct how and with whom, and where the Money received from time to time out of the Estate shall be paid in and remain until it be divided; and if such Creditors shall not make such direction as aforesaid, the Commissioner shall immediately after such choice, and at the same Meeting, make such direction; but no Money shall be directed to be paid into the hands of any Commissioner, or of the Solicitor to the Petition, or into any Banking House, or other House in trade in which any such Commissioner, Assignee or Solicitor is interested: Provided, That it shall be lawful for the Assignee of the Petitioner's Estate, or of any

any Bankrupt's Estate, to deposit the Money or Securities of such Estates respectively in any Joint Stock Bank, notwithstanding such Assignee may be a Shareholder in such Bank, provided the said Bank be duly registered.

85. CLAUSE (BB.) Assignee disobeying direction to pay or invest Money, and retaining it, or permitting Co-Assignee to retain or employ it, to be charged £. 20 per Cent.

And be it Enacted, That if any Assignee shall retain in his hands, or employ for his own benefit, or knowingly permit any Co-Assignee so to retain or employ any sum to the amount of One hundred Pounds or upwards, part of the Estate of the Petitioner, or shall neglect to invest any Money in the purchase of Exchequer Bills, when so directed as aforesaid, every such Assignee shall be liable to be charged in his Accounts with such Sum as shall be equal to Interest at the rate of Twenty Pounds per Centum per Annum, or all such Money for the time during which he shall have so retained or employed the same, or permitted the same to be so retained or employed as aforesaid, or during which he shall have so neglected to invest the same in the purchase of Exchequer Bills, and the Commissioner is hereby required to charge every such Assignee in his Accounts accordingly.

86. CLAUSE (CC.) If Assignee become a Petitioner, having Petitioner or Bankrupt's Estate wilfully retained, his Certificate shall not discharge his future Effects in respect of it.

And be it Enacted, That if any Assignee indebted to the Estate of which he is such Assignee, in respect of money so retained or employed by him as aforesaid, either as Assignee to any Petitioner under this Act, or Assignee of any Bankrupt according to the Bankrupt Laws, shall have a Petition filed under this Act, and obtain his Certificate, it shall only have the effect of freeing his tools of trade, necessary household goods, and the necessary wearing apparel of himself, his wife and children; and he shall remain liable for so much of his Debts to the Estate of which he was Assignee as shall not be paid by Dividends under his Petition, together with lawful Interest for the whole Debt.

87. Commissioner may invest Money in Government Securities.

And be it Enacted, That the Commissioner may, as often as it shall appear to him expedient for the Petitioner's Estate, direct any Money, part of such Estate, to be invested in the purchase of Exchequer Bills for the benefit of the Creditors, and may direct where and with whom such Exchequer Bills shall be kept, and cause such Exchequer Bills to be sold when it shall appear to him expedient, and may direct the Proceeds thereof to be again laid out in the purchase of Exchequer Bills, or to be applied for the benefit of the Creditors.

88. Accounts of Assignees to be audited at a Public Meeting.

And be it Enacted, That the Commissioner shall, at the Sitting appointed for the last examination of the Petitioner appoint a Public Meeting not sooner than Four calendar Months from the time of filing the Petition, nor later than Six calendar Months from the last examination of the Petitioner, whereof and of the purport whereof he shall give Twenty-one Days' Notice in the London Gazette, to audit the Accounts

of the Assignees; and the Assignees at such Sitting shall deliver upon Oath a true Statement in writing of all Money received by them respectively, and when and on what account, and how the same have been employed, and the Commissioner shall examine such Statement, and compare the Receipts with the Payments, and ascertain what Balances have been from time to time in the hands of such Assignees respectively, and shall inquire whether any Sum appearing to be in their hands ought to be retained; and it shall be lawful for the said Commissioner to examine the said Assignees upon Oath touching the truth of such Accounts.

89. Dividends.

And be it Enacted, That the Commissioner shall, not sooner than Four or later than Twelve calendar Months from the filing of the Petition appoint a public Sitting (whereof and of the purport whereof Twenty-one Days' Notice shall be given in the *London Gazette*) to make a Dividend of the Petitioner's Estate, at which Sitting all Creditors who have not proved their Debts shall be entitled to prove the same; and the said Commissioner at such Sitting shall order such part of the net Produce of the Petitioner's Estate in the hands of the Assignees as he shall think fit to be forthwith divided amongst such Creditors as have proved Debts, in proportion to their respective Debts, and shall make an Order for a Dividend in writing, and shall cause one part of such Order to be filed amongst the Proceedings, and shall deliver another part thereof to the Assignees, which Order shall contain an Account of the time and place of making such Order, of the Amount of the Debts proved, of the Money remaining in the hands of the Assignees to be divided, of how much in the Pound is then ordered to be paid to every Creditor, and of the Money allowed by the Commissioner to be retained by the Assignees, with the reasons for allowing the same to be so retained; and the Assignees in pursuance of such Order, and without any Deed of Distribution made for that purpose, shall forthwith make such Dividend, and shall take Receipts, in a Book to be kept for that purpose, from each Creditor for the Dividend to be received by such Creditor, and such Order and Receipt shall be a discharge to every such Assignee for so much as he shall pay pursuant to such Order; and no Dividend shall be declared unless the Accounts of the Assignees shall have been first so audited as aforesaid, and such Statement delivered by them upon Oath as aforesaid.

90. Clause (DD.) Final Dividends within Eighteen Months, except where Suit depending, or Estate standing out, &c.

And be it Enacted, That if the Petitioner's Estate shall not have been wholly divided upon the first Dividend, the Commissioner shall, within Eighteen calendar Months after the filing of the Petition, appoint a public Meeting (whereof, and of the purport whereof he shall give Twenty-one Days' Notice in the *London Gazette*) to make a second Dividend of the Petitioner's Estate, when all Creditors who have not proved their Debts may prove the same; and the Commissioner at such

such Meeting, after taking such Audit as hereinbefore directed, shall order the Balance in the hands of the Assignee to be forthwith divided amongst such of the Creditors as have proved their Debts, and such second Dividend shall be final, unless any Action at Law or Suit in Equity be depending, or any part of the Estate be standing out, not sold or disposed of, or unless some other Estate and Effects of the Petitioner shall afterwards come to the Assignee, in which case they shall, as soon as may be, convert such Estate and Effects into Money, and within Two calendar Months after the same shall be so converted, divide the same in manner aforesaid.

91. Clause (EE.) No Action to be brought for Dividends, but the remedy to be by application to the Commissioner.

Be it Enacted, That no Action for any Dividend shall be brought against the Assignees by any Creditor who shall have proved under the Petition; but if the Assignees refuse to pay any such Dividend, the Commissioner may order payment thereof, with Interest for the time it shall have been withheld, and the Costs of the application.

92. Creditors having Security or having made Attachment, to receive only a rateable proportion of their Debt.

And be it Enacted, That no Creditor having Security for his Debt, or having made any Attachment, in London or any other place, by virtue of any Custom there used, of the Goods and Chattels of the Petitioner, shall receive upon any such Security or Attachment more than a rateable part of such Debt, except in respect of any Execution or Extent served and levied by seizure upon, or any Mortgage of or Lien upon any part of the Property of such Petitioner before the time of filing his Petition *bonâ fide* and without collusion.

93. Assignees may compound with Debtors.

And be it Enacted, That the Assignees, with the consent of the major part in value of the Creditors who shall have proved their Debts, present at any Meeting, (whereof and of the purport whereof Twenty-one Days' Notice shall have been given in the *London Gazette*,) may compound with any Debtor to the Estate of such Petitioner, and take any reasonable part of the Debt in discharge of the whole, or may give time or take Security for the payment of such Debt; or may submit any Dispute between such Assignees and any Persons concerning any matter relating to such Petitioner's Estate, to the determination of Arbitrators to be chosen by the Assignees and the major part in value of such Creditors, and the Party with whom they shall have such dispute, and the Award of such Arbitrators shall be binding on all the Creditors; and the Assignees are hereby indemnified for what they shall do according to the directions aforesaid; and no Suit in Equity shall be commenced by the Assignees without such Consent as aforesaid; provided that if *One-third* in value, or upwards, of such Creditors shall not attend at any such Meeting, whereof such Notice shall have been given as aforesaid, the Assignees shall have power, with the Consent of the Commissioner testified in writing under his hand, to do any of the matters aforesaid.

94. Clause (FF.) Arbitration.

And be it Enacted, That if the Assignees of any Petitioner's Estate shall agree to refer any matter in dispute with any Party to Arbitration in such matter, as in law they are empowered to do, such Agreement shall be made a rule of the Court of the Commissioner wherein the matter of the Petition is depending, and thereupon all such Rights, Remedies, Duties and Liabilities shall accrue from such reference so made a rule of the said Court, in respect of Arbitration and Award, and non-performance of such Award, and otherwise howsoever as by law at present accrue upon any submission of reference made a rule of any of His Majesty's other Courts of Record.

95. Mutual Debts.

And be it Enacted, That where there has been mutual Credit given by the Petitioner and any other Person, or where there are mutual Debts between such Petitioner and any other Person, the Commissioner shall state the Account between them, and one Debt or Demand may be set against another, and what shall appear due on either side on the balance of such Account, and no more, shall be claimed or paid on either side respectively; and every Debt or Demand hereby made proveable against the Estate of the Petitioner may also be set off in manner aforesaid against such Estate.

96. Certificates to be granted to Petitioners.

And be it Enacted, That every Petitioner, who shall have in all things conformed himself to this Act in all matters and things by such Petitioner required to be done, shall be discharged from all Debts due by him at the time when his Petition was filed, and from all Claims and Demands hereby made proveable, in case he shall obtain a Certificate of such conformity so signed and allowed, and subject to such provisions as hereinafter directed; but such Certificate shall not release or discharge any Person who was Partner with such Petitioner at the time of the filing the Petition as aforesaid, or who was then jointly bound or had made any joint Contract with such Petitioner.

97. Certificates to be signed by Four-fifths of Creditors.

And be it Enacted, That such Certificate shall be signed by Four-fifths in number and value of the Creditors of the Petitioner, who shall have proved Debts to the amount of Ten Pounds or upwards, and after Six calendar Months from the filing of the Petition, then either by Three-fifths in number and value of such Creditors, or by Nine-tenths in number of such Creditors, who shall thereby testify their Consent to the said Petitioner's discharge as aforesaid; and no such Certificate shall effect such Discharge unless the Commissioner shall, in writing under his hand and seal, certify to the Court of Review that such Petitioner has made a full discovery of his Estate and Effects, and in all things conformed as aforesaid, and that there does not appear any reason to doubt the truth or fulness of such discovery, and also that Creditors have signed in manner hereby directed, and unless such Petitioner make

Oath

Oath in writing that such Certificate and Consent were obtained without fraud, and unless such Certificate after such Oath shall be allowed by the Court of Review, against which any of the Credirors of the Petitioner may be heard before the Court of Review.

98. Clause (GG.) Certificate to be received, if Appeals are misrepresented.

And be it Enacted, That no Petitioner shall be entitled to his Certificate, if he shall have wilfully misrepresented, in his Affidavit made on presenting his Petition, that he had Assets to the value of Fifty Pounds.

99. Clause (HH.) Where Petitioner has petitioned before, or been a Bankrupt, unless 15s. in the Pound is paid, his Tools and Furniture only forfeited.

And be it Enacted, That if any Person who shall have been so discharged by such Certificate as aforesaid, or who shall have compounded with his Creditors, or who shall have obtained his Certificate under the laws relating to Bankrupts, shall be a Petitioner, and obtain such Certificate as aforesaid, unless his Estate shall produce (after all Charges) sufficient to pay every Creditor Fifteen Shillings in the Pound, such Certificate shall only protect his Tools of Trade and necessary Household Furniture, and the wearing Apparel of himself, his wife and children.

100. Clause (II.) Petitioner not liable upon any promise to pay Debt discharged by Certificate, unless such promise be in writing.

And be it Enacted, That no Petitioner, after his Certificate shall have been allowed, shall be liable to pay or satisfy any Debt, Claim or Demand from which he shall have been discharged by virtue of such Certificate, or any part of such Debt, Claim or Demand, upon any Promise, Contract or Agreement made or to be made after the filing of the Petition, unless such Promise, Contract or Agreement be made in writing, signed by the Petitioner, or some Person thereto lawfully authorized, in writing, by such Petitioner.

101. Commissioner to have proof of Signature of Creditors.

And be it Enacted, That the Commissioner shall not sign any Certificate unless he shall have proof, by Affidavit in writing, of the Signature of the Creditors thereto, or of any Person thereto authorized by any Creditor, and of the authority by which such Person shall have so signed the same; and if any Creditor reside abroad, the authority of such Creditor shall be attested by a Notary Public, British Minister or Consul; and every such Affidavit, Authority and Attestation shall be laid before the Court of Review, with the Certificate, previous to the allowance thereof.

102. Regulation as to per-centage Allowance to Debtor.

And be it Enacted, That every Petitioner who shall have obtained his Certificate, if the net produce of his Estate shall pay the Creditors who have proved Ten Shillings in the Pound, shall be allowed Five per centum out of such produce, to be paid him by the Assignees, provided such allowance shall not exceed Four hundred Pounds; and every such Petitioner, if such produce shall pay such Creditors Twelve Shillings and Sixpence in the Pound, shall be allowed and paid as

aforesaid Seven Pounds Ten Shillings per centum, provided such allowance shall not exceed Five hundred Pounds; and every such Petitioner, if such produce shall pay such Creditors Fifteen Shillings in the Pound or upwards, shall be allowed and paid as aforesaid Ten Pounds per centum, provided such allowance shall not exceed Six hundred Pounds; but if such produce shall not pay such Creditors Ten Shillings in the Pound, such Petitioner shall only be allowed and paid so much as the Assignees and Commissioner shall think fit, not exceeding Three Pounds per centum, and Three hundred Pounds.

103. Regulation as to Allowance in cases of joint Petitions.

And be it Enacted, That in all joint Petitions under which any Partner shall have obtained his Certificate, if a sufficient dividend shall have been paid upon the joint Estate and upon the separate Estate of such Partner, he shall be entitled to his allowance, although his other Partner or Partners may not be entitled to any allowance.

104. No Petitioner entitled to Allowance who has lost by gaming in one day Twenty, or within one year Two hundred Pounds.

And be it Enacted, That no Petitioner shall be entitled to his Certificate, or to be paid any such allowance, and that any Certificate, if obtained, shall be void, if such Petitioner shall have lost by any sort of gaming or wagering in one day Twenty Pounds, or within one year next preceding the filing of his Petition Two hundred Pounds, or if he shall within one year next preceding the filing of such Petition have lost Two hundred Pounds by any contract for the purchase or sale of any Government or other Stock, where such contract was not to be performed within One Week after the contract, or where the Stock bought or sold was not actually transferred or delivered in pursuance of such contract, or after the filing of such Petition, or being insolvent, shall in contemplation of filing such Petition, have destroyed, altered, mutilated or falsified any of his Books, Papers, Writings or Securities, or made or been privy to the making of any false or fraudulent entries in any Book of Account or other document with intent to defraud his Creditors, or shall have concealed property to the value of Ten Pounds or upwards; or if any Person, having proved a false Debt against such Petitioner's Estate, such Petitioner being privy thereto, or afterwards knowing the same, shall not have disclosed the same to his Assignees within One Month after such knowledge.

105. All fraudulent Contracts in order to obtain signature of Creditors, to be void.

And be it Enacted, that any Contract or Security made or given by any Petitioner or other Person unto or in trust for any Creditor, or for securing the payment of any Money due by such Petitioner at the time of filing the Petition, as a consideration or with intent to persuade such Creditor to consent to or sign such Certificate, shall be void, and the Money thereby secured or agreed to be paid shall not be recoverable, and if the Petitioner or any other Person shall have paid any sum of money, or given any goods or securities to such Creditor, such Petitioner or other Person may recover back such sum of money, goods or securities.

And

106. In cases of Petitions by Firms or Partners.

And be it Enacted, That if a member of a Firm present his Petition as aforesaid, the Commissioner may authorize the Assignee to commence or prosecute any Action at Law or Suit in Equity in the name of such Assignee and of the remaining Partner against any Debtor of the Partnership, and may obtain such Judgment, Decree or Order therein as if such Action or Suit had been instituted with the consent of such Partner; and if such Partner shall execute any Release of the Debt or Demand for which such Action or Suit is instituted, such Release shall be void; provided that every such Partner, if no benefit is claimed by him by virtue of the said Proceedings, shall be indemnified against the payment of any Costs in respect of such Action or Suit, and that it shall be lawful for the Commissioner, upon the application of such Partner, to direct that he may receive so much of the Proceeds of such Action or Suit as the Commissioner shall direct.

107. Surplus to be repaid to Petitioner.

And be it Enacted, That the Assignee shall, upon request made to them by the Petitioner, declare to him how he had disposed of his Real and Personal Estate, and pay the Surplus, if any, to such Petitioner, his executors, administrators and assigns; and every such Petitioner, after the Creditors who have proved shall have been paid, shall be entitled to recover the remainder of the Debts due to him; but the Assignee shall not pay such Surplus until all Creditors who have proved shall have received Interest upon their Debts, to be calculated and paid at the rate and in the order following; (that is to say) all Creditors whose Debts are now by law entitled to carry Interest, in the event of a surplus, shall first receive Interest on such Debts at the rate of Interest reserved or by law payable thereon, to be calculated from the date of filing the Petition; and after such Interest shall have been paid, all other Creditors who have proved shall receive Interest on their Debts from the day of the filing the Petition, at the rate of Five Pounds per centum.

108. Clause (KK.) Lord Chancellor may order Petitioners to join in Conveyances.

And be it Enacted, That it shall be lawful for the Lord Chancellor, upon the Petition of the Assignee, or of any Purchaser from them of any part of the Petitioner's Estate, to order the Petitioner to join in any conveyance of such Estate, or any part thereof; and if he shall not execute such Conveyance within the time directed by the Order, such Petitioner, and all Persons claiming under him, shall be stopped from objecting to the validity of such Conveyance; and all Estate, Right or Title which such Petitioner had therein, shall be as effectually barred by such Order as if such Conveyance had been executed by him.

109. Clause (LL.) Where Trustee petitions, Lord Chancellor may order Conveyance

And be it Enacted, That if any Petitioner shall as Trustee be seised, possessed of or entitled to, either alone or jointly, any Real or Personal Estate, or any interest secured upon or arising out of the same, or shall have

and Assignment to other Trustees.

have standing in his name as Trustee, either alone or jointly, any Government Stock, Funds or Annuities, or any of the Stock of any public Company, either in *England*, *Scotland* or *Ireland*, it shall be lawful for the Lord Chancellor, on the Petition of the Person or Persons entitled in possession to the receipt of the Rents, Issues and Profits, Dividends, Interest or Produce thereof, on due Notice given to all Persons (if any) interested therein, to order the Assignee, and all other Persons whose act or consent thereto is necessary, to convey, assign or transfer the said Estate, Interest, Stock, Funds or Annuities to such Person or Persons as the Lord Chancellor shall think fit upon the same trusts as the said Estate, Interest, Stock, Funds or Annuities were subject to before the filing the Petition, or such of them as shall be then subsisting and capable of taking effect, and also to receive and pay over the Rents, Issues and Profits, Dividends or Produce thereof as the Lord Chancellor shall direct.

110. Clause (MM.) To vest Property given for the relief of Debtors.

AND whereas divers large sums of Money and other Property have been given by Deed, Will or otherwise, by many Individuals for the relief of Persons imprisoned for Debt; BE it Enacted, That from the passing of this Act all such Money and other Property shall be paid to and vested in the Accountant General, who is hereby directed to receive the same, and carry it to the credit of the Fee Fund; and every Person so paying or transferring such Monies or Property are hereby indemnified and saved harmless for so doing.

111. Clause (NN.) Property in the hands of the Provisional Assignee of the Insolvent Court, or vested in the Funds for the benefit of the Insolvent Court, to be vested in the Accountant General.

Be it Enacted, That all sums of Money now being in the possession of the Provisional Assignee, or vested in Government Securities by the Insolvent Court, shall be paid to and vested in the said Accountant General, and shall be by him carried to the Account of the Fee Fund: Provided always, That the said Monies and Securities shall continue liable to the same trusts as they now are.

112. Clause (OO.) Old Commissions and Fiats to be removed to the Court of the Commissioner.

And be it Enacted, That all Power, Jurisdiction and Authority of the Commissioners named in any Commission or Fiat not before the Commissioners of His Majesty's Court of Bankruptcy, shall cease and determine; and that every such Commission or Fiat shall be thereupon removed to the Commissioner appointed under this Act within whose jurisdiction it would have been if originally commenced after the passing of this Act; and that all further Proceedings therein shall be thenceforth prosecuted and carried on in like manner as if they had been originally commenced in the Court of the said Commissioner.

113. Clause (PP.) Insolvent Debtors to be under the jurisdiction of the Commissioners under this Act.

Be it Enacted, That the Commissioners of His Majesty's Court of Bankruptcy, and the Commissioners appointed by this Act, shall have the same Powers and Authority as to all Insolvent Debtors who have petitioned the Court of Insolvent Debtors, their Estates and Assignees,

as

as they have by this Act as to Debtors making cession of their Property, and may appoint official Assignees to such Estates.

114. Penalty for obtaining Goods under false Pretences.

AND whereas it is expedient to protect Creditors more effectually against Frauds committed by Debtors; BE it therefore Enacted, That if any Person shall, under the false colour and pretence of carrying on business and dealing in the ordinary course of trade, obtain on Credit from any other Person any Goods and Chattels with intent to defraud the Owner thereof, or if any Person shall, with such intent, remove, conceal or dispose of any Goods or Chattels so obtained, knowing them to have been so obtained, every Person so offending shall on conviction for such Offence suffer Imprisonment not exceeding Two Years, with or without Hard Labour, as the Court shall think fit.

115. Court of Requests may Imprison in cases of Fraud.

And be it Enacted, That after the passing of this Act no Person shall be imprisoned by the Order of any Courts of Request on account of any Debt due by him, unless upon the hearing of any Cause depending in any such Courts of Request it shall appear to the Commissioners for the time being of the said Courts, or any Five or more of them, that the Debtor shall have, under false colour or pretence of carrying on business, and dealing in the ordinary course of trade, obtained Credit from the Plaintiff in that Action for any Goods and Chattels, with the intent to defraud the Owner thereof; or if after Action or summons shall have been commenced in, or have issued from, any such Courts of Request against any such Debtor, the said Debtor or Defendant shall make, or cause to be made, any fraudulent Grant or Conveyance of any of his Lands or Tenements, Goods or Chattels, or make, or cause to be made, any fraudulent Gift, Delivery or Transfer of any of his Money, Securities for Money, Goods and Chattels, or other personal Property, with intent to defraud the Plaintiff, then in such case the said Court, at the instance of the said Plaintiff, shall Summon the said Debtor, and in the Summons shall cause to be stated the Offence with which he was charged, requiring him to appear before the said Commissioners in the like manner, and within a like period, as upon the Summons at the commencement of the Action to which the Offence complained of relates; and if it shall appear to the said Commissioners, or any Five or more of them, that the said Debtor or Defendant is guilty of the Offence complained against him, then and in either case it shall and may be lawful to and for the said Commissioners, or any Five or more of them, by Warrant under their hands, to order and cause the Debtor or Defendant so offending to be committed to the Gaol or Prison, commonly called the House of Correction, for the County, City, Borough or Place wherein the said Court of Request shall be situated, for any time not exceeding Thirty Days, nor less than Ten Days, and that without impairing or destroying the Claim or Right of any Creditor to recover any Debt owing by any such Debtor.

116. For preventing fraudulent Grants by Debtors, with intent to defraud any Creditor.

And be it Enacted, That if any Person shall, after Action commenced against him by any Creditor, make or cause to be made, either within this Realm or elsewhere, any fraudulent Grant or Conveyance of any of his Lands, Tenements, Goods or Chattels, or make or cause to be made any fraudulent Surrender of any of his Copyhold Lands or Tenements, or make or cause to be made any fraudulent Gift, Delivery or Transfer of any of his Money, Securities for Money, Goods and Chattels or other Personal Property, with intent to defraud such Creditor, every Person so offending shall be deemed and taken to be guilty of a Misdemeanor, and shall on conviction for such Offence suffer Imprisonment not exceeding Two Years, with or without hard labour.

117. Penalty on Petitioner fraudulently removing Property.

And be it Enacted, That if any Petitioner shall, before or after such Petition filed, remove, conceal or embezzle any part of his Personal Estate to the amount of Five Pounds, with intent to defraud his Creditors, such Petitioner shall be deemed to be guilty of Felony, and be liable to be Transported for Seven Years, or to be imprisoned in any Common Gaol or House of Correction for any Term not exceeding Three Years, with or without Hard Labour.

118. Penalty on Persons guilty of Perjury.

And be it Enacted, That if any Person taking any Oath or making Affirmation as a Quaker, under the provision of this Act, or in anywise touching the execution of any of the Provisions thereof, shall wilfully forswear or perjure himself in any Oath so taken, or wilfully make any false Affirmation touching the same, and shall be lawfully convicted thereof, such Person so offending shall suffer such Punishment as may by law be inflicted on Persons convicted of wilful and corrupt Perjury.

119. Penalty for making false Accounts or Statements.

And be it Enacted, That if any Petitioner after filing such Petition, shall knowingly and wilfully make, utter or use in any Proceeding under this Act, any false Account, Statement or Exhibit in writing, with intent to injure or defraud any Creditor, every Party so offending shall be deemed and taken to be guilty of a Misdemeanor, and being thereof convicted, shall suffer Imprisonment not exceeding Two Years with or without Hard Labour.

120. Penalty on Debtors absconding.

And be it Enacted, That if any Debtor shall, after Judgment obtained against him by any Creditor, abscond or conceal himself with intent to defraud such Judgment Creditor, or to avoid making such discovery of his Property as is by this Act required, every Person so absconding or concealing himself shall be deemed and taken to be guilty of a Misdemeanor, and shall on Conviction for such Offence be liable to Imprisonment for any term not exceeding Twelve calendar Months, with or without Hard Labour.

And

121. Indictment for Offences

And be it Enacted, That in any Indictment or Information for any Offence under this Act, it shall be sufficient to set forth the substance of the Offence charged on the Defendant, without setting forth any Petition, Schedule, Judgment, Conveyance, Assignment, Rule, Order, Adjudication, Warrant, or other Exhibit or Document.

122. Clause (QQ.) In application of Forfeitures.

And be it Enacted, That all Sums of Money forfeited under this Act, or by virtue of any conviction for perjury committed in any oath hereby directed or authorized, may be sued for, by the Trustee or Assignee, in any of His Majesty's Courts of Record, and the Money so recovered (the Charges of Suit being deducted) shall be paid to the Creditor, or, in case a Petition has been filed, shall be divided amongst the Creditors, as part of such Petitioner's Estate.

123. Court may order Prosecutor's Expenses to be paid.

And be it Enacted, That in all Prosecutions under this Act, it shall be lawful for the Court before whom any Offender against this Act, or against the Act made and passed in the thirteenth year of the reign of Queen Elizabeth, intituled, "An Act against fraudulent Deeds, Alienations," &c. whether the Offence charged be a Felony or Misdemeanor only, to order and direct the payment of the Prosecutor's Costs and the Expense of Witnesses as in cases of Felony.

124. Doing away with Arrest for Debt, except when Debtors are about to abscond.

AND whereas the present Power of Arrest is unnecessarily extensive and severe, and, provision being made to facilitate the remedy of Creditors against the Property of Debtors, ought to be relaxed; BE it therefore Enacted, That from and after the time appointed for the commencement of this Act, no Person shall be arrested upon any Process for Debt issuing out of any Court, unless the Plaintiff or some other Person on his behalf, shall make Oath that he believes the Debtor is about to abscond to avoid Payment of his Debt, or on special Order made by one of the Judges of the Superior Courts; provided that where such Arrest shall be made before Judgment, the Party so arrested shall be entitled to his discharge, upon finding Bail, according to the laws now in force.

125. Clause (RR.) Persons in contempt not liable to Arrest, except in certain cases.

And be it Enacted, That whenever any attachment shall be issuable from any Court for any contempt of such Court, for non-payment of any Sum of Money, or of Costs Charges or Expenses, the Party liable thereto shall not be arrested or imprisoned, except the Person entitled to such Money, Costs, Charges or Expenses make oath that he believes the Person liable is about to abscond; and all Persons entitled to such Money, Costs, Charges and Expenses shall have the same rights and privileges as Persons who have obtained judgment in the Courts of Common Law; subject, nevertheless, to such ascertaining of the amount of the said demands as may be had by taxation or otherwise, and to such examination thereof as is provided for the examination of other Claims under this Act.

126. Persons arresting a Debtor, to prove Debtor was about to abscond.

And be it Enacted, That if any Debtor having been arrested either on Mesne or Final Process, shall bring an Action against the Person at whose Suit he was arrested, it shall be incumbent on such Person to prove that he had probable cause for believing that the Party arrested was about to abscond.

127. Prisoners now in Custody on Mesne Process to be discharged.

And be it Enacted, That any Prisoner who shall on the commencement of this Act be in custody on Mesne Process for any Debt, shall be entitled to his Discharge, save and except as is hereinafter provided: Provided nevertheless, That every such Prisoner shall be liable to be detained, or after such Discharge to be again arrested by and upon such Process as might, after the commencement of this Act, have been sued out against him had he not been so previously arrested.

128. Prisoners in Custody on Judgment entitled to their Discharge.

And be it Enacted, That every Prisoner who shall be in custody in execution on any Judgment for any Debt or Damages at the time of the commencement of this Act, save and except as hereinafter is provided, shall be entitled to his Discharge: Provided nevertheless, That every such Prisoner shall be liable to be detained, or after Discharge be liable to be again arrested by and upon such Process, as might after the commencement of this Act have been had and obtained, and executed against him in case he had not been so previously arrested.

129. Prisoners in Charge in execution for Damages not Discharged for the Debt or Damages.

And be it Enacted, That no Prisoner who shall be in custody in execution on any Judgment for any Debt or Damages at the commencement of this Act, shall, by reason of such arrest in execution, be discharged from such Debt or Damages, but that notwithstanding such arrest in execution, such Debtor and all the Property of such Debtor shall be liable to all and every such Process and Proceedings as might, after the commencement of this Act, have been used and executed by any Creditor for the obtaining satisfaction of such Judgment in case such Debtor had not been so previously arrested.

130. Plaintiff recovering Judgment, empowered to issue Writ of capias ad satisfaciendum.

And be it Enacted, That if a Plaintiff recover Judgment against a Defendant in any Action for criminal conversation with the Wife, or for seducing the Daughter or Servant of the Plaintiff, in such Action, or for Breach of Promise of Marriage, or for a Libel, or for Slander, or in any other Action for a malicious injury done to Plaintiff therein, or in any other Action of Tort or Trespass to the person or property of the Plaintiff, then such Plaintiff may cause to be issued a Writ of *capias ad satisfaciendum*, and the said Defendant to be imprisoned; provided that such Defendant may file his Petition in the Court of the Commissioner, within whose jurisdiction he may reside, and such Commissioner may direct such Defendant to be discharged after such period of Imprisonment as the said Commissioner shall think right, but which time shall not in the whole exceed the term of Two Years; and if any Defendant shall be in custody at the time of the passing of this

this Act for any of the crimes or offences above enumerated, the Commissioners within their respective jurisdiction shall have power to direct such Person to be further imprisoned for a period not exceeding in the whole Two Years, or may then discharge him if they think fit.

131. For facilitating the suing out of Bailable Writs.

AND whereas Debtors fraudulently intending to abscond to evade legal demands by Creditors are frequently enabled to execute their purpose, from the delay with which the suing out a Bailable Writ is attended; FOR Remedy whereof, Be it Enacted, That when any Creditor to the amount of Twenty Pounds shall make Affidavit before a Commissioner appointed under this Act or any Court having power, to take an Affidavit to hold Persons to bail in a civil suit, or a Justice of the Peace for the County or Place where the Debtor shall be, that the Debt is due, and that an Action has been commenced or will be commenced against such Debtor for the arrest of such Debtor within the space of Four Days, and that he believes the Debtor will abscond to avoid payment of his Debt unless he be forthwith apprehended, it shall and may be lawful for any such Commissioner, or any Court now having powers to take an affidavit to hold to bail in a Civil Suit, or any of His Majesty's Justices of the Peace of the County or Place where the said Debtor shall then be, to issue his Warrant to the Sheriff for the immediate apprehension of such Debtor, and that the Sheriff shall proceed to arrest; and such Proceedings shall be thereupon had as have heretofore been used upon a bailable Writ.

132. Warrant null and void, unless Suit be commenced for recovery of Debt within Four Days after obtaining it.

Provided nevertheless, and be it further Enacted, That such Warrant shall, as against the Party so procuring the same to be issued, be null and void, unless a Suit shall then be pending in one of the Superior Courts from which bailable Process might have issued for the apprehension of such Debtor for the Debt in respect of which such Arrest shall be had, or unless such Suit shall be commenced for the recovery of such Debt within Four Days from the arrest of such Debtor: And provided always, That it shall and may be lawful to and for any Person arrested on Mesne Process to apply forthwith to a Judge of one of the Superior Courts at *Westminster*, or of the Court of Record from which the proceedings have issued, for a Rule on the Plaintiff in such Suit to show cause why he should not be discharged out of Custody; and that it shall be lawful to and for any such Judge to make absolute or discharge such Rule with Costs, to be paid by either Party, at his discretion, or to make such order therein as to him shall seem fit.

133. Property of Debtors to remain liable, notwithstanding Arrest.

And be it Enacted, That no Arrest or Detention of any Debtor after Judgment obtained, shall discharge any Debtor from any Debt, or in anywise affect any Execution or other Process against the Property of such Debtor, but that notwithstanding any such Arrest the Property of every such Debtor shall remain liable to all and every

Remedy which such Creditor before had to all intents and purposes as if such Arrest had not taken place.

134. Sheriff may discharge Debtors upon their entering into Recognizance with sufficient Sureties.

And be it Enacted, That when any Debtor shall be arrested after Judgment, or shall after Judgment remain in custody upon a previous Arrest in that Suit, or be surrendered in discharge of his Bail, it shall be lawful for every Sheriff or other Officer arresting the same, or having him in custody, to discharge him on his entering into a Recognizance with Two sufficient Sureties before

in Double the

amount of the Judgment, with condition that such Debtor shall duly attend from time to time before such Commissioner as aforesaid, at such times and places as shall be appointed, in order to the Examination of such Debtor touching his Property, and shall and will in all respects submit himself to and conform with the provisions of this Act.

135. Person arrested to remain in Custody until after Examination.

And be it Enacted, That any Person so arrested, whether before or after Judgment obtained, shall remain in Custody, unless sooner released by due course of law, until he shall have submitted to such Examination and made such discovery touching his Property as is required by this Act, and shall in all other respects have submitted to and conformed with the Provisions of this Act touching such Examination and Discovery.

136. Appointment of Commissioners.

And be it Enacted, That it shall be lawful for His Majesty, in such cases as he shall deem it expedient so to do, to nominate and appoint, by commission under the Great Seal, for the purpose of carrying this Act into effect, one Serjeant-at-Law, or one Barrister of Ten Years' standing, or of Five Years' standing at the Bar, having previously practised as a Special Pleader for Five Years, for any one or more County or Counties, Riding or Ridings, or any parts thereof respectively, beyond the distance of Forty Miles from *London*, who shall be called Commissioner, and shall preside in a Court to be called the Court of Debtor and Creditor, which Court shall be a Court of Record; and every such Commissioner shall, within the limits of his jurisdiction, have exercise and discharge all the rights powers and privileges of a Judge of a Court of Record, and shall also have and execute within the limits of his jurisdiction all the powers and authorities given to the Commissioners of Bankrupts by an Act passed in the sixth year of the reign of his Majesty King GEORGE the Fourth, intituled, "An Act to amend the Laws relating to Bankruptcy," and by the said recited Act of the first and second years of His present Majesty, and by this Act; and all Fiats in Bankruptcy that would now be directed to Commissioners residing within the jurisdiction of any Commissioner appointed by this Act, shall be directed to such Commissioner.

And

137. Registrars.

And be it Enacted, That for each of the said Commissioners it shall be lawful for His Majesty to appoint one fit and proper Person to be the Registrar of the Court.

138. Messengers.

And be it Enacted, That each of the said Commissioners shall and may appoint One fit and proper Person to be the Messenger, and one fit Person to be Usher of the Court to be holden by the said Commissioner.

139. Removal of Officers.

And be it Enacted, That the said Commissioners and the said Registrars shall hold their Offices as long as they shall well behave themselves therein, and that the Commissioners shall not be removed therefrom, unless the Two Houses of Parliament shall present a joint Address to His Majesty, praying for such removal.

140. Removal of inferior Officers.

And be it Enacted, That the said Messengers and Ushers shall hold their Offices during the pleasure of the said Commissioners respectively, and that the said Messengers and Ushers may be removed from their Offices by the said Commissioners in a summary manner, and without any reason being assigned.

141. Oath.

And be it Enacted, That each of the said Commissioners before entering upon the execution of his Office shall take an Oath in the following Form before any Judge of the Superior Courts at Westminster, or before Justices at any of the Quarter Sessions, who are hereby authorized to administer the same:

"I, *A. B.*, do solemnly swear, That I will faithfully, and to the best of my ability, execute the office of for the [*here specify the County, &c. for which the Judge is appointed*], and administer justice equally, without fear, favour or affection.

"So help me GOD."

142. Registrar's Oath.

And be it Enacted, That every such Registrar shall be sworn in open Court before the Commissioner faithfully to execute his Office in the following Form, (that is to say)

"I, *C. D.*, do swear, That I will faithfully and to the best of my ability execute the office of Registrar [*or*, Clerk] of this Honourable Court.

"So help me GOD."

143. Salaries.

And be it Enacted, That from the commencement of this Act there shall be paid and payable out of "the Fee Fund" the yearly sums following:

To each Usher the sum of
To each Registrar the sum of
To each of the Commissioners the sum of

which said sum shall be paid from time to time quarterly, free and clear from all Taxes and Deductions whatsoever, on the day of , the day of , the day of , and the day of , in every year by equal portions; the first payment thereof respectively to be made on the day of ; and that if any Person for the time holding the said Office shall die, resign or be removed from the same, the executor or administrator of the Person so dying or the Person so resigning or being removed shall be entitled to receive such proportionate part of his Salary as shall have accrued during the time that such Person shall have executed his Office since the last payment, and that the successor of any such Person so dying, resigning or being removed as aforesaid shall be entitled to receive such portion of his Salary as shall be accruing, or shall accrue, from the day of such Death, Resignation or Removal.

CLAUSE (SS.) Salaries of Judges, &c. out of what Fund payable.

And be it Enacted, That out of the said Fund shall be paid the Salaries of the Judges of the Court of Review, the Commissioners of His Majesty's Court of Bankruptcy, the Registrars of the Court of Review, and of the Commissioners of His Majesty's Court of Bankruptcy, the Usher of the Court of Review, and of the Commissioners of His Majesty's Court of Bankruptcy.

144. Fees.

And be it Enacted, That no Person appointed to any Office under this Act shall demand or take, upon any pretence whatsoever, any Fee, Gratuity or Emolument, other than and except such Fees as shall be allowed by this Act; and if any such Person shall offend in that behalf, he shall lose such Office as he may hold under the authority of this Act, and be disabled from ever again holding the same or any other Office under this Act, or any other Office under the Crown.

145. CLAUSE (TT.) Court of Review may invest unclaimed Money, and apply Profit to Fee Fund.

AND whereas it may happen that Money may remain which has not been claimed by the Creditors of a Petitioner; BE it Enacted, That it shall and may be lawful for the Court of Review to cause the same or any part thereof to be invested in Government Securities, and to apply the Interest and Profit arising therefrom to the credit of the Accountant-General, to the credit of the Fee Fund: Provided always, That no such Money shall be so invested until the same shall have been unclaimed for twelve months at the least.

146. Fees payable to a Fund.

And be it Enacted, That all Fees payable by any of the Acts of Parliament relating to Bankruptcy (except the Fees applicable to the Compensation Fund), or by this Act, except such as are payable to Messengers and Attornies, shall, after the commencement of this Act, be paid to the Registrars, and shall be by them paid to the Accountant General to the credit of a Fund, to be called "THE FEE FUND."

And

147. Attornies, Advocates, &c.

And be it Enacted, That any Persons admitted Barristers-at-Law may practise as Advocates before the said Commissioner, and any Persons admitted Attornies of any of the Superior Courts at *Westminster* or of the Counties Palatine shall be admitted Attornies of the Court of the Commissioners, and may after such admission practise as Advocates, Attornies or Agents before the said Commissioners; but no Attorney or Agent so practising shall, on any pretence whatever, demand or take more by way of Fees for work by him done than according to a Table of Fees, from time to time to be settled by the Judges of the Court of Review, as hereinafter mentioned; and if any Attorney or Agent so practising shall offend in that behalf, it shall be lawful for the said Court of Review to examine the charge against him made by any Person of whom he may have demanded or received such Fee, which Court shall inquire into the same, in the same manner as such Court is now by law authorized to do in the case of other offences committed by Attornies, and may, on satisfactory proof of such charge, strike him off the Roll of Attornies of such Commissioners' Court.

148. Publication of Fees.

And be it Enacted, That a Table of all Fees authorized for the time being to be taken by any Officers of or Attornies practising in the Courts of the Commissioners shall be hung up in some conspicuous place in every such Court.

149. London Commissioners.

And be it Enacted, That all the powers of this Act shall be exercised and performed by the Commissioners of His Majesty's Court of Bankruptcy within the distance of Forty Miles from *London*, and the Registrars appointed under the said Act shall attend upon and assist the Commissioners in the execution of this Act.

150. Commissioners of Court of Bankruptcy to perform all powers given by this Act.

And be it Enacted, That it shall and may be lawful for any One or more of the Commissioners of His Majesty's Court of Bankruptcy, and each of the other Commissioners appointed under this Act, to have, perform and execute, within the limits of their respective jurisdictions, all the powers, duties and authorities given by the said Act passed in the sixth year of the reign of his Majesty King GEORGE the Fourth, and by the said Act passed in the first and second years of His present Majesty, and by this Act and all the powers exercised by the Court of Review, and to enforce all such orders by imprisonment within any Gaol within their jurisdiction.

151. Appeal in case of Bankruptcy or cessione Bonorum.

And be it Enacted, That if either Party in any matter before any Commissioner shall be dissatisfied with any determination of such Commissioner, he may appeal from the same to the Court of Review, provided that he shall, within Ten Days after such determination or direction, give Notice of such Appeal to the other Party or his Attorney, and also give security, to the satisfaction of the Registrar

of the Commissioner for the Costs of Appeal and for the performance of the Order, and the Appeal be dismissed.

152. Case agreed on.

And be it Enacted, That such Appeal shall be in the form of a Case agreed on by both Parties or their Attornies; and if they cannot agree, the Commissioner, shall settle the Case, and sign it; and such Case shall be transmitted by the Appellant to the principal Registrar of the Court of Review.

153. Power to the Puisne Judges of the Court of Review to act.

And be it Enacted, That in all cases in which Power is by this Act given to any one or more of the said Commissioners of His Majesty's Court of Bankruptcy to act, such power shall and may in like manner be exercised by any one or more of the Judges of the Court of Review, other than the chief Judge thereof, as occasion may require

154. Appeal to Chancellor.

And be it Enacted, That if either Party shall be dissatisfied with the decision of the Court of Review, such Party may appeal from the same to the Lord Chancellor, provided that such Party shall, within One Month after such determination, give Notice of such Appeal to the other Party or his Attorney, and also give Security for the Costs of such Appeal, in addition to the Security already given, such Security to be approved by the Chief Registrar of the Court of Review.

155. Fees to be paid into Bank of England.

And be it Enacted, That the Registrar of each Commissioner shall receive the Fees mentioned in Schedule (A.), and shall from month to month pay the same into the Bank of *England*, to the credit of the Accountant General on account of the Fee Fund; and all Fees received under Commissions and Fiats of Bankruptcy shall be paid to the like account, except the Fees applicable to the Compensation Fund.

156. Dispensing with attendance of Chief Registrars to produce proceedings in Bankruptcy.

WHEREAS it is inconvenient that the attendance of the Deputy Registrars of the Court of Bankruptcy should be required for the purpose of producing Proceedings in Bankruptcy, or Proceedings in *cessione Bonorum*, or Trials of Actions at Law; BE it Enacted, That when the production of any proceedings in Bankruptcy, or in *cessione Bonorum* kept in the Court of Bankruptcy, is required on the Trial of any Action at Law, a Notice in writing, directed to the Chief Registrar of the Court of Bankruptcy, stating what Proceedings, on what Trial, and the time when and where such Proceedings are required to be produced, shall be left by the Party or his Attorney or Agent, requiring the production of such Proceedings, a reasonable time before such Trial, at the Office of the chief Registrar of the Court of Bankruptcy in *Basinghall-street*, together with such reasonable Expenses as is now by law required upon service of a Subpœna to a Witness in an Action at Law: Provided always, That upon such Notice being so left as aforesaid, the personal attendance of such Chief Registrar shall not be required;

required; but any proceedings in Bankruptcy or in *cessione Bonorum* required to be produced by such Notice as aforesaid, for the purpose of being given in evidence on the Trial of any Action at Law, shall and may be produced by any Clerk of such Chief Registrar, by him deputed in that behalf.

157. Commissioners to make out List of Fees.

And be it Enacted, for the carrying the provisions of this Act into effect, the Commissioners of His Majesty's Court of Bankruptcy shall and may, subject to the sanction and confimation of the Court of Review, make out a List of Fees to be demanded under this Act; and also to prepare, subject to the like sanction and confirmation, a set of Forms, to be applied and used in proceedings under this Act, and also such Rules and Regulations as may be necessary for carrying this Act into effect; and that such Fees shall be paid, such Forms used, and such Rules and Regulations observed until further provision be made by authority of Parliament.

158. Clause (UU.) Office Copies made Evidence.

Costs of producing original Instruments, when not allowed.

And be it Enacted, That in every Action, Suit or Issue, Office Copies of any original Instrument or Writing, filed in the Court of the Commissioner, shall be Evidence to be received of every such original Instrument or Writing respectively; and if any such original Instrument or Writing shall be produced on any Trial, the Costs of producing the same shall not be allowed on taxation, unless it appears that the production of such original Instrument or other Writing was necessary.

159. Clause (XX.) Preservation of the Records.

Be it Enacted, That all the Records, Papers and Documents belonging to the different Courts of the Commissioners, shall be in the custody of the Registrars of the said Courts.

160. Clause (YY.) Court of Review may authorize one Commissioner to act for another.

And be it Enacted, That it shall be lawful for the Court of Review, by order in writing, to license and authorize one or more of the Commissioners to act and exercise all the authority hereby given, for another Commissioner named in such order, for such time as shall be specified in such order, for reason specified in such Order; and such Order shall be filed in the Court of the Commissioner for whom such other Commissioner or Commissioners is or are thereby so authorized to act.

161. Clause (ZZ.) Commissioners and Officers under this Act ineligible to sit in Parliament.

And be it Enacted, That no Commissioner, Registrar, Official Assignee or other Officer to be appointed by virtue of this Act, shall during their respective continuance in such Offices be capable of being elected or of sitting as a Member of the House of Commons.

162. Clause (AAA.) Officers exempt from serving on Juries.

And be it Enacted, That no Registrar, Official Assignee, or other Officer to be appointed under this Act, shall be compellable to serve as a Juryman on any Inquest or Trial whatsoever.

163. Clause (BBB.) Restriction as to Judges and other Officers practising as Barristers, or being Attornies.

And be it Enacted, That no Commissioner or Registrar appointed by this Act shall during their respective continuance in such Offices, practise as a Barrister, and that no Attorney or Solicitor whose name shall be on the Rolls of any Court shall be appointed to or hold any of the said Offices.

164. Clause (CCC.) Penalty on any Officer taking Fees.

And be it Enacted, That if any Commissioner, Registrar, Clerk, Messenger, Assignee or any other Officer or Person whatsoever shall, for any thing done or pretended to be done under this Act, or any other Act relating to Bankrupts, or under colour of doing any thing under this Act or any other such Acts, fraudulently and wilfully demand or take, or appoint or allow any other person to take for him or on his account, or for or on account of any other person by him named, any fee, emolument, gratuity or sum of money, or any thing of value whatsoever other than is allowed by this Act, and any other such Act as aforesaid, such Person when duly convicted thereof shall forfeit and pay the sum of Five hundred Pounds, and be rendered incapable, and is hereby rendered incapable of holding any Office or Place whatsoever under His Majesty, His Heirs or Successors.

165. Construction of Act.

And be it Enacted, That this Act shall be construed beneficially for Creditors, and that it shall extend to Aliens, Denizens and Women, both to make them subject thereto and to entitle them to all the benefits given thereby; and all Powers given to, or Duties directed to be performed by the Lord Chancellor, may be performed by the Lord Keeper or Lords Commissioners of the Great Seal; and all powers given to or directed to be performed by the Assignees, may be exercised and shall be performed respectively by the major part of such Assignees, or by one Assignee, where only one shall have been chosen; and that wherever this Statute hath used words importing the singular number or the masculine gender only, it shall be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction; and that this Act shall not extend either to *Scotland* or *Ireland*, except where the same are expressly mentioned.

166. Clause (DDD.) Act may be altered in present Session.

And be it Enacted, That this Act may be amended, altered or repealed during the present Session of Parliament.

167. Commencement of Act.

And be it Enacted, That this Act shall commence and come into operation on the

5 WILL. IV.—Sess. 1835.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For facilitating the Recovery of Debts, the Relief of Debtors willing to make Cession of their Property for the payment of their Debts, the Prevention of Frauds by Debtors, and for abolishing Imprisonment for Debt, except in cases of Fraud.

(*Prepared and brought in by Sir John Campbell and Mr. Hawes.*)

Ordered, by The House of Commons, *to be Printed,*
20 *April* 1835.

5 *June* 1835.

A

B I L L

[AS AMENDED ON RE-COMMITMENT]

For facilitating the Recovery of Debts, the Relief of Debtors willing to make Cession of their Property for the payment of their Debts, the Prevention of Frauds by Debtors, and for abolishing Imprisonment for Debt except in cases of Fraud.

[N.B.—*The Clauses marked* (A.) *to* (CCC.) *were added by the Committee; and the Clauses marked* (*a.*) *to* (*g.*) *were added on Re-Commitment.*]

WHEREAS the existing Law is defective, in not providing a more summary and less expensive mode of recovering Debts; Preamble.

Be it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT if the Plaintiff in any action for any Debt, shall, after suit commenced in any Court, show by affidavit that the sum sought to be recovered in such Action, is due to him from the Defendant and on what account, and that demand before Action brought was made upon the Defendant for the payment of the sum so due, such Plaintiff shall, after service of Process on the Defendant, be entitled to a Rule of the Court in which such Suit is commenced, or Order of a Judge of such Court, giving the Defendant notice that final Judgment will be signed against him for the sum sworn to be due, unless such Defendant shall, within Ten Days after the service of the Rule or Order, give security, to be approved by an Officer of such Court, for the payment of the Debt and Costs, in case final Judgment shall be given against him, or unless the Defendant shall, within the said time, show sufficient cause to the said Court or Judge of such Court on oath why final Judgment should not be signed against him, and that such Judgment shall be so signed, unless the said Defendant shall either give such security or show such sufficient cause.

1. Plaintiff in Actions on Debt, empowered to enter Judgment against Defendants, after notice.

2. Service of Summonses.

And be it Enacted, That if such Defendant cannot be personally served with a Summons, leaving the Summons at his dwelling-house or last place of abode, and serving a Copy of such Summons on the Solicitor or Attorney, if any employed on his behalf in the Cause in which Judgment was signed, or if such Solicitor or Attorney cannot be found, service of a Copy of such Summons left at his dwelling-house or last place of abode shall be deemed sufficient Service on the said Defendant.

3. If Debt not paid after final Judgment, Defendant to be taken before Commissioner to be examined touching his Property.

AND whereas also the law is defective in not providing adequate means for enabling Judgment Creditors to obtain satisfaction from the property of their Debtors; BE it therefore Enacted, That in case a Plaintiff shall have signed final Judgment against a Defendant in any Court, and such Defendant shall not satisfy such Judgment within Ten Days after the same shall have been entered up, it shall be lawful for a Commissioner of the Court of Bankruptcy, if the Defendant resides within the jurisdiction, or a Commissioner to be appointed under this Act, within the limits of whose jurisdiction the Defendant resides upon the application of the Plaintiff, to direct such Defendant, if in custody on any charge whatever to be brought before him, or if not in custody, to summon the Defendant to appear before him at such times and places as the said Commissioner shall appoint, for the purpose of being examined touching his Property; and if the Defendant being so summoned shall not attend before the said Commissioner at the time and place appointed, not having been prevented by any lawful impediment then and there made known to the said Commissioner and allowed by him, it shall be lawful for the Commissioner, within whose jurisdiction the Defendant shall reside, by Warrant under his hand and seal to authorize and direct any Person or Persons therein named for that purpose, to apprehend such Defendant wheresoever he may be found, and to bring him before the said Commissioner to be examined as aforesaid; and upon the appearance of any Defendant so summoned or brought before such Commissioner, the said Commissioner shall examine the Defendant on Oath as to his Property, or so much thereof as to the said Commissioner shall seem necessary, whether Real or Personal, whereof he is seised or possessed, in or to which he is in anywise entitled or interested; and the Commissioner shall or may, if he shall think fit, cause a Specification of the Property of the Defendant to be written out, which Specification the Commissioner may require the Defendant to sign in his presence; and if the said Defendant shall refuse to be sworn, or shall refuse to answer any questions put to him by such Commissioner relating to his Property, or shall refuse to sign such Specification, it shall be lawful for the said Commissioner by Warrant under his hand and seal to commit him to prison, there to remain without bail until he shall submit himself to the said Commissioner to be sworn, and full answers make to his satisfaction to such questions as shall be put to him, and sign the Specification of his Property;

Property; and if the Defendant shall not attend, or cannot be found, or will not answer the questions so put to him to the satisfaction of the Commissioner, the Commissioner shall have power to summon any other person, and examine him as to the property of the said Defendant, and to direct a Memorandum to be made of such Property.

4. Commissioner may assign such Defendant's Property to Trustee for payment of the Judgment Debt.

And be it Enacted, That the said Commissioner shall, by a short Indorsement on the Specification or Memorandum of the Defendant's property, assign to a Trustee, to be appointed by the said Commissioner, so much of the Lands and Tenements, Goods and Chattels, Debts, Credits, Specialties, Securities or sums of Money or Stocks in the *British* or other Funds, or of any Public Company, or other Property of the said Defendant, or so much thereof as shall be sufficient to satisfy the Judgment of the said Plaintiff, and such Assignment shall be filed as a Record of the Court of the said Commissioner; and such Assignment of the Lands of the said Defendant shall be sufficient to pass any Lands, Tenements or Hereditaments whereof the Defendant shall be seised in tail, in possession, reversion or remainder, and whereof no reversion or remainder is in the Crown; and every such Assignment shall be good against the said Defendant and the Issue of his body, and against all Persons claiming under him after such Judgment, and against all Persons whom the said Defendant by any means might cut off or debar from any remainder, reversion or other interest, in or out of any of the said Lands, Tenements and Hereditaments, and the assignment of the Debts due to the Defendant shall vest the property, right and interest in such Debts in the Trustee; and after such Assignment, neither the Defendant nor any Person claiming through or under him shall have power to recover the same, nor to make any Release or Discharge thereof, neither shall the same be attached as a Debt of the Defendant by any Person according to the custom of the City of *London* or otherwise, but the Trustee shall have like remedy to recover the same in his own name, in like manner as the Defendant himself might have done before the Assignment.

5. Trustee to dispose of the Property in discharge of Plaintiff's Judgment, and to pay over the Surplus (if any) to Defendant.

And be it Enacted, That the Trustee to whom such Assignment shall be made as aforesaid shall, with all convenient speed, recover and get in the Estate and Effects so assigned to him, and shall sell or otherwise dispose of the same, and out of the proceeds thereof shall defray, in the first place, all such Costs and Expenses of recovery, getting in and selling the same as shall be allowed by the said Commissioner, and shall pay over to the said Plaintiff the residue of such proceeds, or so much thereof as shall be sufficient to satisfy the Judgment obtained by the said Plaintiff, and if any overplus shall remain after satisfying such Judgment, the same shall be paid over by the Trustee to the Defendant or his executors, administrators or assigns.

6. CLAUSE (A.) If Judgment not satisfied, Commissioner empowered to assign Property to be sold.

And be it Enacted, That if the Property so assigned shall not be sufficient to satisfy the Judgment and Expenses, it shall be lawful for the said Commissioner, on application of the Plaintiff, to bring up and examine the Defendant or other Person in like manner, and in like manner to make other Specifications or Memorandums, and assign such other Property of the Defendant as to him shall seem fit to be sold, disposed of and applied in like manner, until the Judgment is satisfied: Provided always, That when the Judgment shall be satisfied, and the expenses incurred as aforesaid shall be paid, the assignment of the Defendant's Property as to such part as remains unsold or undisposed of, shall be thenceforth void.

7. Property assigned to Trustee to vest in his Successor.

And be it Enacted, That the real and personal Estate and Effects vested in the Trustee by virtue of any such Assignment as aforesaid, shall not remain in him if he shall resign or be removed from his Office, nor in his heirs, executors or administrators, in the event of his death, but shall in every such case go to and be vested in his Successor in office immediately upon the appointment of such Successor; and that whenever the Trustee in whom any such real or personal Estate or Effects shall be vested as aforesaid shall die or resign, or be removed from his Office, no action at law or suit in equity commenced or carried on by him shall be thereby abated, but the Court in which any such action or suit is depending, may, upon the suggestion of such death, resignation or removal, allow the name of such Successor to be substituted in the place of the former Trustee, and such action or suit shall be prosecuted in the name of such Successor in the same manner as if he had originally commenced the same; and in case of the death, removal or resignation of a Trustee, it shall be lawful for the Commissioner to appoint another Trustee,

8. Appeal to Court from which Judgment issued

And be it Enacted, That in all cases where a Party is dissatisfied with any decision of the Commissioner in any of the cases before mentioned, it shall be lawful for the Party so dissatisfied to appeal to the Court from which the Judgment issued, such appeal to be in the form of a case agreed on by both Parties or their Attornies; and if they cannot agree, the Commissioner shall settle a case, and sign the same: Provided, That no Person shall be allowed to appeal, unless he shall, within Ten Days from such decision, give notice of his intention to appeal to the other Party, or his Attorney, and also give security to the satisfaction of the Registrar of the Court of such Commissioner for the costs of the Appeal and for the performance of the order, if he be Defendant, and the appeal be dismissed.

9. Sheriff to deliver Execution to the Party suing out Judgment.

AND for the more effectual remedy of Creditors under any Judgment, Statute or Recognizance against the Lands of the Defendant; BE it Enacted, That it shall be lawful for every Sheriff or other Officer to whom any Writ or Precept shall be directed at the suit of any

any Person or Persons, for and upon any Judgment, Statute or Recognizance, to do, make and deliver Execution unto the Party in that behalf suing, of all such Lands, Tenements, Rectories, Tithes, Rents and Hereditaments, whether the same be freehold, copyhold or of customary tenure, whereof such Person against whom such Execution shall be so issued shall be seised or possessed, or whereof any other Person or Persons shall be seised or possessed in trust for him against whom Execution is so sued at the time of the said Execution sued, and that the same shall be held and enjoyed subject to such the like provisions to which one moiety of the lands, tenements, rectories, tithes, rents and hereditaments of any Party against whom an Elegit is issued are now by law subject: Provided nevertheless, That such Party suing out Execution, and to whom such delivery of any copyhold or customary lands shall be so made, shall be liable and is hereby required to make, do, perform and render to the Lord of the Manor or other Person entitled, all such and the like Payments and Services as the Tenant against whom such Execution shall be issued would have been bound to pay, render, do and perform; and that the Party so suing out such Execution, and to whom any such copyhold or customary lands shall have been so delivered, shall be entitled to hold the same until the amount of such payment, and the value of such services, as well as the amount of the Judgment, shall have been levied.

10.
In case Sheriff prevented making Execution by any existing Incumbrance, he may inquire into the nature of such Incumbrance, and the Interest thereunder.

And be it Enacted, That where by reason of any existing Lease or other incumbrance, such Sheriff or other Officer, to whom any such Writ or Process shall be so directed, cannot do, make and deliver Execution unto the Party in that behalf suing, of such lands, tenements, rectories, tithes, rents, and hereditaments, such Sheriff or other Officer shall proceed to inquire of what estate and to what beneficial interest in such lands, tenements, rectories, tithes, rents, and hereditaments, the Party against whom such Execution shall be issued, was seised or beneficially entitled at the time of such Execution sued, and shall make return thereof to the Court from which such Execution was so sued; and that it shall be lawful to and for such Court, on the Petition of such Judgment Creditor, to order and direct the Sale of such Estate or Interest in such lands, tenements, rectories, tithes, rents and hereditaments as such Party against whom such Judgment shall have been obtained shall be seised of or beneficially entitled to, or so much thereof as shall be necessary, and to direct the payment of the Proceeds, or of so much thereof as shall be sufficient to satisfy such Judgment, to the Party who has obtained the same, and that thereupon such Sheriff or other Officer shall make sale of, assign and convey the same; and that such Sale so made shall be good and effectual against such Party against whom such Judgment shall have been obtained, and all Persons whatsoever claiming by, through or from him; and if after satisfaction of such Judgment and payment of Sheriff's Poundage and the expenses of such Sale, any

surplus shall remain, the said Sheriff shall forthwith pay it to the said Debtor.

11. Transfer of Stock belonging to Persons against who m Judgment is obtained.

And be it Enacted, That if any Person against whom any Judgment shall have been obtained shall have any Government Stock, Funds or Annuities, or any of the Stocks of any Public Company in *England* standing in his name in his own right, or in the name of any other Person in trust for him, it shall be lawful for a Judge of the Court in which such Judgment shall have been obtained, on the application by Motion or Petition of any Judgment Creditor, to order all Persons whose act or consent is thereto necessary, to transfer the same, or so much thereof as shall be sufficient to satisfy such Judgment, into the name of such Judgment Creditor, and to pay all Dividends upon the same to such Judgment Creditor; and all Persons whose act is necessary as aforesaid are hereby indemnified from all things done or permitted in pursuance of such Order, and such Judgment Creditor shall have power to sell the said Stock, and after discharging the Debt due to him, shall pay the surplus, if any, to the Defendant.

12. Sheriff empowered to seize all Obligations and Securities belonging to Judgment Debtor.

And be it Enacted, That by virtue of any Writ of *Fieri facias* every Sheriff or other Officer having the execution thereof shall and may seize and take all Bonds, Bills of Exchange, Promissory Notes, Money, Bank Notes and Securities of the Judgment Debtor, by which any Money shall be payable to or secured to him, and shall and may at the request of the Plaintiff in such Suit pay such Money or assign such Securities and Obligations to him by Indorsement made thereon, or such of them as the said Sheriff shall think sufficient, and that such Plaintiff shall be entitled to hold the same as security or securities for whatever Sum shall be due to him on such Judgment, and to sue in his own name as Assignee thereof for the recovery of the sum or sums secured thereby and due thereon, and that the payment to such Judgment Creditor, by the Party liable on such Obligation or Security, with or without Suit, or the recovery and levying Execution against the Party so liable, shall discharge him to that extent from his liability to the Judgment Debtor on any such Obligation or Security; and if after satisfaction of the amount of the Judgment, Sheriffs' Proceedings and Expenses, any surplus shall remain, the Judgment Creditor shall pay such surplus to the Defendant.

13. Clause (B.) Not satisfying a Judgment within Twenty-one Days after it is signed, to be considered an act of Bankruptcy.

And be it Enacted, That if any Defendant shall be a Trader within the meaning of the Laws now in force respecting Bankrupts, and shall have final Judgment signed against him, and shall not, within Twenty-one Days after demand in writing, and personally served upon him, satisfy such Judgment, he shall be deemed to have committed an Act of Bankruptcy on the Twenty-second Day after such demand: Provided, That when any Writ of Error is brought upon any Judgment, such

act

act of Bankruptcy shall only be committed on a like default after confirmation of such Judgment.

14. Debtors willing to satisfy their Creditors to the amount of their Assets, to present Petition to Commissioner.

AND whereas it is expedient to enable Debtors to make equal distribution of their Property amongst their Creditors; BE it therefore Enacted, That if any Person shall make an Affidavit before the Commissioner, within whose jurisdiction he resides, that he owes Debts to the amount of Two hundred Pounds, and has Assets to the amount of Fifty Pounds, such Debtor may exhibit a Petition to the said Commissioner, setting forth on oath (to the best of the belief of such Petitioner), a just and true Account of all the real and personal Estate in posession, reversion, remainder or expectancy to which the Petitioner, or any Person or Persons in trust for him, is or was entitled or interested at thetime of his so petitioning, and of all Incumbrances or Charges affecting the same; and likewise a true Account of all the Debts due by and to the said Petitioner; and likewise a just and true Account of all Securities wherein any part of the Estate of any such Debtor consists, and of all the Deeds, Evidences and Writings, Books, Bonds, Notes and Papers concerning the same or relating thereto; and before any such Petition shall be received by any such Commissioner, every such Petitioner shall make Oath that he has given or left unto or sent by the Post Office for all and every the Creditor or Creditors, residing in the United Kingdom of *Great Britain* and *Ireland*, or his her or their Executors or Administrators, and at his her or their usual place of abode, or to or for his her or their Attorney or Agent last employed in any Action, Suit, Cause or Causes against the said Petitioner, in case any such Creditor, his executors or administrators cannot be met with, but not otherwise, or show an excuse therein for any such omission, to be approved of by the Commissioner, a Notice in writing, signed with the proper Name or Mark of every such Petitioner, importing therein that such Petitioner as aforesaid doth intend to petition the Court; which Affidavits shall be delivered with every such Petition at the time of presenting thereof; and if such Commissioner shall thereupon be satisfied, such Petition shall be received and filed.

15. Notice of Petition to be inserted in the London Gazette.

And be it Enacted, That such Commissioner, after such Petition shall have been filed as aforesaid, shall forthwith cause Notice of the filing of such Petition to be given in the *London Gazette*, and shall thereby appoint Two Public Sittings of the Court, the last of which Sittings shall be on the Forty-second day from the filing of the said Petition: Provided that such Commissioner may appoint such last-mentioned Sitting on any other day, so that such day shall not be more than Sixty Days from the filing of such Petition; and it shall be lawful for the Commissioner at the time appointed for the last examination of the Petitioner, or any enlargement or adjournment thereof, to adjourn such examination *sine die*.

Commissioner may adjourn Examination sine die.

16. Lord Chancellor to appoint official Assignees.

And be it Enacted, That a number of Persons, not exceeding being Merchants, Brokers or Accountants, or Persons who are or have been engaged in trade, shall be chosen by the Lord Chancellor to act as Official Assignees in all cases of such Petitions, one of which said Official Assignees shall in all cases be an Assignee of such Petitioner's Estate and Effects, together with the Assignee or Assignees to be chosen by the Creditors, such Official Assignee to give such security, to be subject to such Rules, to be selected for such Estate, and to act in such manner as the Commissioners of His Majesty's Court of Bankruptcy, with the consent of the Court of Review, shall from time to time direct; and all the Personal Estate and Effects and the Rents and Profits of the Real Estate, and the Proceeds of Sale of all the Estate and Effects, Real and Personal, of the Petitioner, shall in every case be possessed and received by such Official Assignee alone, save where it shall be otherwise directed by the Commissioner of the Court in which the Petition is filed; and all Stocks in the Public Funds, or of any Public Company, and all Monies, Exchequer Bills, Indentures, Bonds or other public Securities, and all Bills, Notes and other negotiable Instruments, shall be forthwith transferred, delivered and paid by such Official Assignee into such Bank as the said Commissioner shall direct, within Seven Days from the receipt thereof; and the Commissioners may direct such Monies or Securities to be deposited in any Joint Stock Bank, though an Assignee may be a shareholder in such Bank, provided the said Bank be duly registered; and if any such Assignee shall neglect to make such transfer, delivery or payment, every such Assignee shall be liable to be charged in his Accounts with such Sum as shall be equal to interest at the rate of Twenty per centum per annum on all such Money for the time during which he shall have so retained the same: Provided always, That until Assignees shall be chosen by the Creditors of each Person so petitioning, such Official Assignees so to be appointed to act with the Assignees to be chosen by the Creditors of each Person so petitioning shall be enabled to act, and shall be deemed to be to all intents and purposes whatsoever a sole Assignee of the Estate of each Person so petitioning as aforesaid: Provided always, That the Persons now acting as Official Assignees under the Commissioners of His Majesty's Court of Bankruptcy shall act as Official Assignees under this Act in cases within the jurisdiction of the Commissioners of His Majesty Court of Bankruptcy.

17. Clause (C.) For filling up Vacancies in the number of Assignees.

And be it Enacted, That it shall be lawful for the Lord Chancellor from time to time, as any Vacancy may occur in the number of the before-mentioned Official Assignees, to appoint some other Person as aforesaid to fill any Vacancy so occurring; and in case of the death or removal of any Official Assignee who may have been appointed to act in the Proceedings under any Petition, it shall be lawful for the Commissioner under this Act, subject to any Rules to be made by virtue

virtue of this Act, or under any of the Acts relating to Bankrupts, to appoint another Official Assignee in the place of the Official Assignee who shall have so died or been removed.

18. Removal of Assignees.

And be it Enacted, That the Court of Review shall have power to remove any Assignee of any Estate; and the Order of such Court thereupon shall be final and conclusive, and not subject to any review by the Lord Chancellor or otherwise.

19. Assignees of Petitioner's Estate to act with Official Assignee.

And be it Enacted, That at the First public Sitting appointed by such Commissioner, or any Adjournment thereof, One or Two Assignees of the Petitioner's Estate and Effects shall be chosen to act with the Official Assignee, and all Creditors who have proved Debts to the amount of Five Pounds and upwards shall be entitled to vote in such choice; and also any Person authorized by Letter of Attorney from any such Creditor upon proof of the execution thereof, either by Affidavit sworn before a Master in Chancery, Ordinary or Extraordinary, or by Oath before any of the Commissioners of the Court of Bankruptcy, or any Commissioner appointed under this Act, and in case of Creditors residing out of *England* by Oath before a Magistrate where the Party shall be residing, duly attested by a Notary Public, *British* Minister or Consul, and the choice shall be made by the major part in value of the Creditors so entitled to vote; provided that the Commissioner shall have power to reject any Person so chosen who shall appear to him unfit to be such Assignee as aforesaid, and upon such rejection a new choice of another Assignee or Assignees shall be made as aforesaid.

20. In case of Death or Resignation of any of such Assignees, Court to appoint a new Assignee.

And be it Enacted, That in case any Assignee of the Estate and Effects of any Petitioner so appointed as aforesaid shall be unwilling to act, or in case of the death, incapability, disability, misconduct or absence from the realm of any such Assignee, it shall be lawful to and for any Creditor of such Petitioners to apply to the said Court of Review to appoint a new Assignee, with like powers and authorities as are given by this Act to the Assignee hereinbefore mentioned; and that the said Court shall have power to remove such Assignees and to appoint such new Assignee, and to compel any Assignee who shall be so removed, and the heirs, executors or administrators of any deceased Assignee, to account for and deliver up to the said Commissioner, or as the said Commissioner shall order, all such Estate and Effects, Books, Papers, Writings, Deeds and other evidences relating thereto, as shall remain in his hands, to be applied for the purposes of this Act.

21. Actions not to abate by Death or Resignation of Assignee.

And be it Enacted, That whenever such Assignee shall die or be removed, or a new Assignee shall be appointed in pursuance of the provisions of this Act, no Action at Law or Suit in Equity shall be thereby abated, but the Court in which any Action or Suit is depending,

may, upon the suggestion of such death or removal and new appointment, allow the name of the surviving or new Assignee to be substituted in the place of the former; and such Action or Suit shall be prosecuted in the name of the said surviving or new Assignee in the same manner as if he had originally commenced the same.

22. CLAUSE (D.) Evidence of Appointment of Assignees.

And be it Enacted, That a Certificate of the appointment of such Assignees, purporting to be under the hand of a Commissioner, shall be received as evidence of such Appointment in all Courts and Places without further proof.

23. CLAUSE (E.) Remuneration to Official Assignee.

And be it Enacted, That the Commissioner under whom any Official Assignee may be appointed to act, may order and allow to be paid out of the Petitioner's Estate to the Official Assignee thereof, as a remuneration for his services, such sum of Money as shall appear to such Commissioner, upon consideration of the amount of the Petitioner's Property, and the nature of the duties to be performed by the Official Assignee, to be just and reasonable.

24. After Petition filed, Petitioner's Estate, present and future, to vest in Assignees.

And be it Enacted, That when the Petition of any Person shall have been filed as aforesaid, all his Personal Estate and Effects, present and future, shall become vested in and transferred to the Assignee for the time being, by virtue of his appointment; and as often as any such Assignees shall die, or be lawfully removed, and a new Assignee duly appointed, all such Personal Estate as was then vested in such deceased or removed Assignee, shall, by virtue of such appointment, vest in the new Assignee, either alone or jointly with the existing Assignees, as the case may require, without any Deed of Assignment for that purpose.

25. Petitioner's real Estate to vest in Assignees without Conveyance.

And be it Enacted, That when the Petition of any Person shall have been filed as aforesaid, all his present and future Real Estate, whether in the United Kingdom of *Great Britain* and *Ireland*, or in any of the Dominions, Plantations or Colonies belonging to His Majesty, shall vest in the Assignee for the time being, by virtue of his appointment, without any Deed of Conveyance for that purpose; and as often as any such Assignee shall die, or be lawfully removed, and a new Assignee shall be duly appointed, such of the aforesaid Real Estate as shall remain unsold or unconveyed, shall, by virtue of such appointment, vest in the new Assignee either alone or jointly with the existing Assignees, as the case may require, without any Conveyance for that purpose.

26. CLAUSE (F.) Assignee's power not to entitle to Pay or Pension of Naval, Military or Civil Officers.

Provided always, and be it Enacted, That nothing in this Act contained shall entitle a Trustee appointed by a Commissioner, or the Assignee of the Estate and Effects of any such Petitioner, being or having been an Officer of the Army or Navy, or an Officer, Clerk or otherwise employed or engaged in the service of His Majesty in the Customs

Customs or Excise, or any Civil Office or other Department whatsoever, or being or having been in the Naval or Military Service of the *East India* Company, or an Officer or Clerk, or otherwise employed or engaged in the service of the Court of Directors of the said Company, or being otherwise in the enjoyment of any Pension whatever under any department of His Majesty's Government, or from the said Court of Directors, to the Pay, Half-pay, Salary, Emoluments or Pension of any such Petitioner, for the purposes of this Act: Provided always nevertheless, That it shall be lawful for the said Commissioner to order such portion of the Pay, Half-pay, Salary, Emoluments or Pension of any such Petitioner or Person against whom final judgment has been signed, as on communication from the said Commissioners to the Secretary at War, or the Lords Commissioners of the Admiralty, or the Commissioners of the Customs or Excise, or the Chief Officer of the Department to which such Petitioner may belong, or have belonged, under which such Pay, Half-pay, Salary or Emoluments may be enjoyed by such Petitioner or Person against whom final judgment has been signed, or the said Court of Directors, he may, under his hand, or under the hand of his Chief Secretary or other Chief Officer for the time being, consent to in writing to be paid to such Assignee, in order that the same may be applied in payment of the debts of such Petitioner or Person against whom final judgment has been signed, and such order or consent being lodged in the Office of the Paymaster of His Majesty's Forces, or the Treasurer of the Navy, or of the Secretary of the said Court of Directors, or of any other Person appointed to pay or paying any such Pay, Half-pay, Salary, Emoluments or Pension as shall be specified in such order and consent, shall be paid to the said Assignee or Trustee, until such Commissioner shall order to the contrary.

Portion of Pay or Pension may be obtained by Assignees on application.

27. CLAUSE (G.) Petitioner to deliver up his Books of Account to the Official Assignee upon Oath.

And be it Enacted, That every Petitioner shall (if thereto required) forthwith deliver up to the Official Assignee, upon oath before the Commissioner, all Books of Account, Papers and Writings relating to his Estate in his custody or power, and discover such as are in the custody or power of any other person; and every such Petitioner not in prison or custody, shall at all times after filing the Petition, attend such Assignee upon every reasonable notice in writing for that purpose given to him, or left at his place of abode, and shall assist such Assignee in making out the Accounts of his Estate; and such Petitioner may at all seasonable times before the expiration of the said Forty-two days, or such further time as shall be allowed to him to finish his Examination, inspect his Books, Papers and Writings in the presence of his Assignee, or any Person appointed by him, and bring with him each time any Two Persons to assist him; and every such Petitioner, after he shall have obtained his Certificate, shall, upon demand in writing given to him, or left at his usual place of abode, attend the Assignee to settle any Accounts between his Estate and any Debtor to or Creditor thereof, or attend any Court of Justice, to give Evidence touching the same,

same, or do any act necessary for getting in the said Estate, for which attendance he shall be paid Five Shillings per day by the Assignee out of his Estate; and if such Petitioner shall, after such demand as aforesaid, not attend, or on such attendance refuse to do any of the matters aforesaid without sufficient cause shown to the Commissioner for such refusal, and by him allowed, the Assignee making proof thereof upon Oath before the said Commissioner, the said Commissioner may, by Warrant directed to such person as he shall think proper, cause such Petitioner to be apprehended and committed to such Prison as he shall think fit, there to remain until he shall conform to the satisfaction of the said Commissioner.

28. Person appointed by Commissioner empowered to seize concealed Property.

And be it Enacted, That it shall be lawful for any Person appointed by the Commissioner of the Court in which such Petition is filed, by warrant under his hand and seal, to break open any House, Chamber, Shop, Warehouse, or Door of any such Petitioner, where the Property of such Petitioner shall be reputed to be, and seize upon the body or the Property of such Petitioner.

29. Person appointed by the Commissioner, empowered to break open Premises belonging to Petitioner, in order to secure concealed Property.

And be it Enacted, That it shall be lawful for the Person so appointed by such Commissioner, to break open any House, Chamber, Shop, Warehouse or Door of such Petitioner in *Ireland*, where any of the Property of such Petitioner shall be reputed to be, and seize the same; provided such Warrant as aforesaid shall have been verified upon Oath, by the Registrar of the Court, before the Commissioner of the said Court; and provided also, that the Person thereby appointed shall, before a Justice of Peace residing in the County where such Property shall be reputed to be, depose upon Oath that he is the Person named in such Warrant.

30. Warrants of Seizure in Scotland to be backed by Judge Ordinary or Justice of the Peace.

And be it Enacted, That if in the execution of any Warrant of Seizure so granted by such Commissioner as aforesaid, it shall be necessary to break open any House, Chamber, Shop, Warehouse or Door of such Petitioner in Scotland, where any of the Property of such Petitioner shall be reputed to be, or to seize and get possession of such Property, such Warrant, after having been verified upon Oath as aforesaid, may be backed or indorsed with the name of a Judge Ordinary or Justice of the Peace in Scotland, who are hereby required within their respective Jurisdictions to back or indorse the same, and such Warrant, so indorsed, shall be sufficient authority to the Person bringing such Warrant, and to all Officers of the Law of *Scotland*, to execute the same within the County or Burgh wherein it is so indorsed, and by virtue thereof to break open the House, Chamber, Shop, Warehouse or Door, of such Petitioner, and to seize and take possession of such Property.

31. Search Warrants may be granted.

And be it Enacted, That in all cases where it shall be made to appear to the satisfaction of any such Commissioner or Justice of Peace,

in

in *England*, *Ireland* or *Scotland*, that there is reason to suspect and believe that property of the Petitioner is concealed in any House, Premises or other place not belonging to such Petitioner, such Commissioner or Justice of Peace is hereby directed and authorized to grant a Search Warrant to the Person so deputed by such Commissioner as aforesaid, and it shall be lawful for such Person to execute the same in like manner; and such Person shall be entitled to the same protection as is allowed by law in execution of a Search Warrant for property reputed to be stolen or concealed.

32. CLAUSE (H.) Nine-tenths in number and value of Creditors may accept a Composition, which shall bind the rest.

And be it Enacted, That at any Meeting of the Creditors, after the second Public Sitting of the Commissioner (whereof and of the purport of which Twenty-one Days' Notice at least shall have been given in the *London Gazette*), if the Petitioner or his friends shall make an offer of Composition, or security for such Composition, which Three-fourths in number and value of the Creditors present at such Meeting agree to accept, another Meeting for the purpose of deciding upon such offer shall be appointed, whereof such Notice as aforesaid shall be given; and if at such second Meeting Three-fourths in number and value of all the Creditors who have proved their Debts shall agree to accept such offer, the said Commissioner may, upon such acceptance being testified by them in writing, dismiss the Petition of such Petitioner; and all Proceedings had thereunder shall thereupon become void, except so far as regards any sale or disposition of the Estate and Effects of such Petitioner previously completed under the power and for the purposes aforesaid; and all and every the Creditors of such Petitioner shall be bound to accept such Composition, and the same shall be in full discharge of their respective Debts.

33. CLAUSE (I.) Mode of voting in deciding upon such Composition.

And be it Enacted, That in deciding upon such offer as aforesaid, any Creditor whose Debt is below Five Pounds shall not be reckoned in number, but the Debt due to such Creditor shall be computed in value; and that any Creditor residing out of *England* shall not be bound by such Composition, unless such Creditor or his Attorney shall assent thereto; and if any Creditor shall agree to accept any gratuity or higher compensation for assenting to such offer, he shall forfeit the Debt due to him, together with such Gratuity or Composition; and the Petitioner shall, if thereto required, make Oath before the Commissioner that there has been no such transaction between him or any person with his privity and any of the Creditors, and that he has not used any undue means or influence with any of them to obtain such assent as aforesaid.

34. Proof of Debts.

And be it Enacted, That at the Two public Sittings so appointed by such Commissioner as aforesaid, and at every other Sittting appointed for proof of Debts (whereof and of the purport whereof Ten Days' Notice shall have been given in the *London Gazette*) every Creditor of the Petitioner may prove his Debt by his own Oath; and all Bodies Politic and Public Companies incor-

porated, or authorized to sue and bring Actions, either by Charter or Act of Parliament, may prove by an Agent, provided such Agent shall swear in his Deposition that he is such Agent as aforesaid, and that he is authorized to make such proof; provided that any Creditor may prove by Affidavit sworn before any of the Judges of the Court of Review, any Commissioner of His Majesty's Court of Bankruptcy, any Commissioner under this Act, a Master in Chancery, Ordinary or Extraordinary, or, if such Creditor shall live out of *England*, by Affidavit sworn before a Magistrate or British Consul where such Creditor shall be residing, and attested by a Notary-Public, British Minister or Consul; provided that it shall be lawful for the Commissioner to examine upon Oath, by word of mouth or by interrogatories in writing, every Person claiming to prove a Debt, or to require such further proof, and to examine such other Persons in relation thereto as he shall think fit.

35. Clause (K.) Proving a Debt under a Petition, to be an Election, not to proceed by Action.

And be it Enacted, That no Creditor who has brought any Action or instituted any Suit against any Petitioner in respect of a demand prior to filing of the Petition, or which might have been proved as a Debt against the Estate of such Petitioner, shall prove a Debt against the Estate of such Petitioner, or have any claim entered upon the proceedings without relinquishing such Action or Suit; and the proving or claiming a Debt against the Estate of such Petitioner by any Creditor, shall be deemed an Election by such Creditor to take the benefit of such Petition with respect to the Debt so proved or claimed, provided that such Creditor shall not be liable to the payment to such Petitioner or his Assignees of the costs of such Action or Suit so relinquished by him; and that where any such Creditor shall have brought any Action or Suit against such Petitioner jointly with any other Person, his relinquishing such Action or Suit against the Petitioner shall not affect such Action or Suit against such other Person.

36. Persons being Sureties for any Debt of the Debtor, and having paid the Debt or any part thereof, to be entitled to prove their Debts in the same way as other Creditors.

And be it Enacted, That any Person who at the time of filing the Petition shall be Surety or liable for any Debt of the Petitioner, if he shall have paid the Debt, or any part thereof, in discharge of the whole Debt, although he may have paid the same after filing of the Petition, if the Creditor shall have proved the Debt, shall be entitled to stand in the place of such Creditor as to the Dividends and all other rights which such Creditor possessed or would be entitled to in respect of such proof; or if the Creditor shall not have proved, such Surety or Person liable, shall be entitled to prove his demand in respect of such payment as a Debt, not disturbing the former Dividends, and may receive Dividends with the other Creditors.

37. Obligees in Bottomry Bonds allowed to claim after Contingency shall have happened.

And be it Enacted, That the Obligee in any Bottomry or Respondentia Bond, and the Assured in any Policy of Assurance made upon good and valuable consideration, shall be admitted to claim, and after the loss or contingency shall have happened to prove his Debt or Demand

Demand in respect thereof, and receive Dividends with the other Creditors, as if the loss or contingency had happened before the filing the Petition by such Obligor or Insurer; and the Person effecting any Policy of Insurance upon Ships or Goods with any Person as a Subscriber or Underwriter, where his Petition shall have been filed as aforesaid, shall be entitled to prove any loss to which such Petitioner shall be liable in respect of such subscription, although the Person so effecting such Policy was not beneficially interested in such Ships or Goods, in case the Person so interested is not within the United Realm.

38. Annuity Creditors entitled to prove for Value of such Annuity.

And be it Enacted, That any Annuity Creditor of any such Petitioner, by whatever Assurance the same be secured, and whether there were or not any arrears of such Annuity due at the time of filing the Petition, shall be entitled to prove for the Value of such Annuity, which Value the Commissioner shall ascertain, regard being had to the original Price given for the said Annuity, deducting therefrom such diminution in the Value thereof as shall have been caused by the lapse of time since the grant thereof to the date of filing the Petition.

39. Annuity Creditors not to sue Collateral Securities until they have proved against the Petitioner.

And be it Enacted, That it shall not be lawful for any Person entitled to any Annuity granted by any such Petitioner to sue any Person who may be Collateral Surety for the payment of such Annuity, until such Annuitant shall have proved against such Petitioner for the Value of such Annuity and for the arrears thereof; and if such Surety, after such proof, pay the Amount proved as aforesaid, he shall be thereby discharged from all claims in respect of such Annuity; and if such Surety shall not, before any payment of the said Annuity, subsequent to the filing the Petition, shall have become due, pay the sum so proved as aforesaid, he may be sued for the accruing payments of such Annuity, until such Annuitant shall have been paid or satisfied the Amount so proved with Interest thereon at the rate of Four per centum per annum, from the time of notice of such proof and of the amount thereof being given to such Surety; and after such payment or satisfaction, such Surety shall stand in the place of such Annuitant in respect of such proof as aforesaid to the amount so paid or satisfied as aforesaid by such Surety, and the Certificate of the Petitioner shall be a discharge to him from all claims of such Annuitant or of such Surety in respect of such Annuity; provided that such Surety shall be entitled to credit in account with such Annuitant for any Dividends received by such Annuitant under the Petition before such Surety shall have fully paid or satisfied the Amount so proved as aforesaid.

40. Commissioner to set the Value upon Contingency Debts in

And be it Enacted, That if any such Petitioner shall before the filing of his Petition have contracted any Debt payable upon a contingency which shall not have happened before the filing of such

cases where Contingency has not happened.

Petition, the Person with whom such Debt has been contracted, may, if he think fit, apply to the Commissioner to set a value upon such Debt; and the Cmmissioner is hereby required to ascertain the Value thereof, and to admit such Person to prove the Amount so ascertained, and to receive Dividends thereon; or if such Value shall not be so ascertained before the contingency shall have happened, then such Person may, after such contingency shall have happened, prove in respect of such Debt, and receive Dividend with the other Creditors, not disturbing any former Dividends.

41. Holders of Promissory Notes whereon Interest is not reserved, entitled to prove Interest.

And be it Enacted, That in all cases where any Petitioner shall be liable upon any Bill of Exchange or Promissory Note, whereupon Interest is not reserved, overdue at the time of filing the Petition, the Holder of such Bill of Exchange or Promissory Note shall be entitled to prove the Interest upon the same, to be calculated to the date of filing the Petition, at such rate as is allowed by the Court of King's Bench in Actions upon such Bills or Notes.

42. Creditors entitled to prove for the Costs they have been put to in any Action against any Petitioner, wherein they have obtained Judgment.

And be it Enacted, That if any Plaintiff in any Action at Law or Suit in Equity, or Petition in Bankruptcy or Lunacy, shall have obtained any Judgment, Decree or Order against any Person (whose Petition shall have been filed under this Act as aforesaid) for any Debt or Demand in respect of which such Plaintiff or Petitioner shall prove, under the Petition such Plaintiff or Petitioner shall also be entitled to prove for the Costs which he shall have incurred in obtaining the same, although such Costs shall not have been taxed at the time of the filing the Petition, shall, in case Judgment shall not have been obtained, prove such Costs as were incurred before filing the Petition if the Debt was due and payable at the time of bringing the Action.

43. Clause (L.) Creditors allowed to prove for Interest, where Interest is now by law paid or allowed.

And be it Enacted, That in all cases where any Petitioner shall be liable for any Debt in respect of which Interest would now by law be payable or allowable in the nature of damages, the Creditor to whom such Debt shall be due shall be entitled to prove the Interest upon the same, to be calculated to the date of filing the Petition, at such rate as is allowed by the Court of King's Bench in Actions upon Bills of Exchange.

44. Clause (M.) Joint Creditor entitled to prove under separate Estate, for the purpose of voting in the choice of Assignees.

And be it Enacted, That in all Petitions by one or more of the Partners of a Firm, any Creditor to whom the Petitioner is indebted jointly with the other Partner or Partners of the said Firm, or any of them, shall be entitled to prove his Debt against the Estate of such Petitioner for the purpose only of voting in the choice of Assignees under such Petition, and of assenting to or dissenting from the Certificate of such Petitioner, or of either of such purposes; but such Creditor shall not receive any Dividend out of the separate Estate of the Petitioner until all

all the separate Creditors shall have received the full Amount of their respective Debts.

45. Clause (N.) Joint and separate Estates to be administered as in Bankruptcy.

And be it Enacted, That in case all the Partners of any Firm shall become Petitioners, the joint and separate Estates of such Partners shall be administered as in Bankruptcy.

46. Clause (O.) Commissioner may order Six Months' Wages to Clerks or Servants.

And be it Enacted, That when any Petitioner shall have been indebted at the time of filing his Petition to any Servant or Clerk of such Petitioner in respect of the Wages or Salary of such Servant or Clerk, it shall be lawful for the Commissioner, upon proof thereof, to order so much as shall be so due as aforesaid, not exceeding Six Months' Wages or Salary, and not exceeding Fifty Pounds, to be paid to such Servant or Clerk out of the Estate of such Petitioner, and such Servant or Clerk shall be at liberty to prove against the Estate of the said Petitioner for any sum exceeding such last-mentioned Amount.

47. Clause (P.) Commissioner may order Two Week's Wages to Labourer or Workman.

And be it Enacted, That when any Petitioner shall have been indebted at the time of filing his Petition to any Labourer or Workman of such Petitioner, in respect of the Wages of such Labourer or Workman, it shall be lawful for the said Commissioner, upon proof thereof, to order so much as shall be so due as aforesaid, not exceeding Two Weeks' Wages or Labour, and not exceeding Forty Shillings, to be paid to such Workman or Labourer out of the Estate of such Petitioner, and such Workman or Labourer shall be at liberty to prove against the Estate of the Petitioner for any sum exceeding such last-mentioned Amount.

48. Clause (Q.) Commissioners may order any sum to be paid in respect of Apprentice Fee, and may assign Apprentice.

And be it Enacted, That where any Person shall be an Apprentice to a Petitioner at the time of filing the Petition, if any sum shall have been really and *bonâ fide* paid by or on the behalf of such Apprentice to the Petitioner as an Apprentice Fee, it shall be lawful for the Commissioner, upon proof thereof, to order any sum to be paid to or for the use of such Apprentice which he shall think reasonable, regard being had, in estimating such sum, to the amount of the sum so paid by or on behalf of such Apprentice to the Petitioner, and to the time during which such Apprentice shall have resided or served with the said Petitioner previous to the filing of such Petition, and the Commissioner may, by writing under his hand, assign the said Apprentice to any Person at the desire of the Parent or Guardian of such Apprentice, and such Assignment shall be good and valid without any Stamp being affixed thereto.

49. If Assignees consider any Debt proved not to be due, Commissioner may inquire into the same.

And be it Enacted, That whenever it shall appear to the Assignee, or to Two or more Creditors who have each proved Debts to the amount of Ten Pounds or upwards, that any Debt proved before such Commissioner is not justly due either in whole or in part, such Assignee or Creditor may make representation thereof to the Com-

missioner; and it shall be lawful for the said Commissioner to summon before him and examine upon oath any such Person who shall have so proved as aforesaid, together with any Person whose evidence may appear to the Commissioner to be material, either in support of or in opposition to any such Debt; and if the said Commissioner, upon the evidence given on both sides, or (if the Person who shall have so proved as aforesaid shall not attend to be examined, having been first duly summoned, or notice having been left at his last place of abode) upon the evidence adduced by such Assignee or Creditors as aforesaid, shall be of opinion that such Debt is not due either wholly or in part, the said Commissioner shall be at liberty to expunge the same either wholly or in part from the proceedings; provided that such Assignees or Creditors requiring such investigation shall, before it is instituted, sign an Undertaking, to be filed with the proceedings, to pay such Costs as the Commissioner shall adjudge to the Creditor who has proved such Debt as aforesaid.

50. Where Petitioner has conveyed or pledged any Deeds upon condition of Redemption, Assignees may tender Performance as fully as Petitioner.

And be it Enacted, That if any such Petitioner shall have granted, conveyed, assured or pledged any Real or Personal Estate, or deposited any Deeds, such grant, conveyance, assurance, pledge or deposit being upon condition or power of redemption at a future day by payment of Money or otherwise, the Assignees may, before the time of the performance of such condition, make tender or payment of Money or other performance, according to such condition, as fully as the said Petitioner might have done, and after such tender, payment or performance may sell and dispose of such Real or Personal Estate for the benefit of the Creditors as aforesaid.

51. Persons having given credit upon valuable Consideration not due when Petition filed, entitled to prove as other Creditors.

And be it Enacted, That any Person who shall have given Credit to such Petitioner upon valuable consideration for any Money or other matter or thing whatsoever which shall not have become payable when his Petition was filed, and whether such Credit shall have been given upon any Bill, Bond, Note or other negotiable Security or not, shall be entitled to prove such Debt, Bill, Bond, Note or other Security as if the same was payable presently, and receive Dividends equally with the other Creditors, deducting only thereout a Rebate of Interest for what he shall so receive at the rate of Five per centum, to be computed from the Declaration of a Dividend to the time such Debt would have become payable according to the terms upon which it was contracted.

52. Clause (R.) Powers of Assignees chosen by Creditors, and restriction of the authority of Official Assignees.

And be it Enacted, That the Assignee so to be chosen by the Creditors of the Petitioner as aforesaid, and the official assignee, shall have the like Powers and Authorities as the assignees of Bankrupts Estates have under the Laws now in force concerning Bankrupts, save and except as otherwise directed by this Act.

And

53. Petition not to be defeated by act of Bankruptcy.

And be it Enacted, That the Estate of any such Petitioner, Real and Personal, shall vest in such Assignee as is hereinbefore provided, notwithstanding any act of Bankruptcy by such Petitioner, unless a Fiat in Bankruptcy shall have been issued previous to the filing such Petition.

54. Registering Transfers of Property

And be it Enacted, That where according to any laws now in force any Conveyance or Assignment of any Real or Personal Property of any such Petitioner would require to be registered, inrolled or recorded in any Registry Office in England, Wales or Ireland or in any Registry Office, Court or other Place in Scotland, or any of the Dominions, Plantations or Colonies belonging to His Majesty, that in every such case such Certificate as hereafter is described of the appointment of an Assignee or Assignees shall be registered in the Registry Office, Court or Place wherein such Conveyance or Assignment as last aforesaid would require to be registered, inrolled or recorded, and the Registry hereby directed shall have the like effect to all intents and purposes as the registry, inrolment or record of such Conveyance or Assignment as last aforesaid would have had; and the Title of any Purchaser of any such Property as last aforesaid for valuable consideration, without notice of filing such Petition, who shall have duly registered, inrolled or recorded the Purchase Deed previous to the registry hereby directed, shall not be invalidated by reason of such appointment of an Assignee as aforesaid, or the vesting such Property in him consequent thereupon, unless the Certificate of such Appointment shall be registered as aforesaid within the times following; (that is to say) as regards the United Kingdom of *Great Britain* and *Ireland*, within Two Months from the date of such appointment, and as regards all other Places, within Twelve Months from the date thereof.

55. For preventing fraudulent Transfers by Petitioners.

And be it Enacted, That if any Petitioner shall, before or after the filing of his Petition as aforesaid, being in insolvent circumstances voluntarily convey, assign, transfer, charge, deliver or make over any Estate, Real or Personal, Security for Money, Bond, Bill, Note, Money, Property, Goods or Effects whatsoever to any Creditor, or to any Person in trust, for or to or for the use, benefit or advantage of any Creditor, every such Conveyance, Assignment, Transfer, Charge, Delivery and making over shall be deemed and is hereby declared to be fraudulent and void as against any Assignee of the Estate and Effects of such Petitioner appointed under this Act: Provided always, That no such Conveyance, Assignment, Transfer, Charge, Delivery or making over, where the same shall be made before Petition filed, shall be so deemed fraudulent and void, unless made within Three Months before the filing of the Petition by such Petitioner.

56. Clause (S.) Petitioner conveying his Lands or

And be it Enacted, That if any Petitioner, being at the time insolvent, shall (except upon the marriage of any of his Children, or for

Goods to others, or delivering Securities, or transferring Debts into other Names, valid.

some valuable consideration) have conveyed, assigned or transferred to any of his Children, or any other Person, any Hereditaments, Offices, Fees, Annuities, Leases, Goods or Chattels, or have delivered or made over to any such Person any Bills, Bonds, Notes or other Securities, or have transferred his Debts to any other Person or Persons, or into any other Person's Name, the Assignee shall have the Power to sell and dispose of the same as aforesaid, and every such Sale shall be valid against the Petitioner, and such Children and Persons as aforesaid, and against all persons claiming under him.

57. For preventing fraudulent Extents.

And be it Enacted, That if any Real or Personal Estate or Debts of any such Petitioner be extended after his Petition shall have been filed, by any Person under pretence of his being an Accountant of or Debtor to The King, the Commissioner may examine upon oath whether the said Debt was due to such Debtor or Accountant upon any Contract originally made between such Accountant and the Petitioner, and if such Contract was originally made with any other Person than the said Petitioner or Accountant, or in trust for any other Person or Persons, such Commissioner may sell and dispose of such Real and Personal Estate or Debts for the benefit of the Creditors who shall have proved, and such Sale shall be valid against the said Extent and all Persons claiming under it; and any Person to whom the said Real and Personal Estate or Debts shall be bargained, sold, granted or assigned by such Commissioner, shall have and may recover the same against any Person who shall detain the same.

58. Sequestration for Debts of Beneficed Clergymen and Curates

And be it Enacted, That nothing in this Act contained shall extend to entitle the Assignee of the Estate and Effects of any such Petitioner, being a beneficed Clergyman or Curate, to the Income of such Benefice or Curacy for the purposes of this Act: Provided always nevertheless, That it shall be lawful for such Assignee to apply for and obtain a Sequestration of the Profits of any such Benefice or Curacy for the payment of the Debts of such Petitioner; and the Commissioner's Certificate of the filing of such Debtor's Petition in pursuance of this Act shall be a sufficient warrant for the granting such Sequestration, without any Writ or other proceedings to authorize the same, and such Sequestration shall accordingly be issued as the same might be issued upon any Writ of Levari facias founded upon any Judgment against any such Petitioner.

59. Clause (T.) Distress not to be available for more than one year's Rent due; the Landlord to move for the residue.

And be it Enacted, That no Distress for Rent made and levied after filing a Petition upon the Goods or Effects of any Petitioner (whether before or after the filing of the Petition) shall be available for more than One year's Rent accrued prior to the filing of the Petition; but the Landlord or Party to whom the Rent shall be due shall be allowed to come in as a Creditor under the Petition for the overplus of the Rent due, and for which the Distress shall not be available.

And

60. Transfer of Government Stocks, &c. belonging to Petitioners.

And be it Enacted, That if any such Petitioner shall, at the time of filing such Petition, or at any time before he shall have obtained his Certificate, according to this Act, have any Government Stocks, Funds or Annuities, or any of the Stock or Shares of any Public Company, either in *England*, *Ireland* or *Scotland*, standing in his own name in his own right, or in the name of any Trustee for his benefit, it shall be lawful for the Commissioner, whenever he shall deem fit so to do, to order all Persons whose act or consent is thereto necessary, to transfer the same into the name of such Assignee or Assignees as aforesaid; and all such Persons whose act or consent is so necessary, are hereby indemnified for all things done or permitted pursuant to such Order.

61. In cases where Persons petitioning are entitled to any Lease or Agreement.

And be it Enacted, That in all cases in which any such Petitioner shall be entitled to ny Lease or Agreement for a Lease, and his Assignee shall accept the same, the said Petitioner shall not be liable to pay any Rent accruing, after the date of filing the Petition or be in any manner sued after such acceptance in respect or by reason of any subsequent non-observance or non-performance of the conditions, covenants or agreements therein contained, and if the Assignees decline the same, shall not be liable as aforesaid, in case he deliver up such Lease or Agreement to the Lessor or such Person agreeing to grant a Lease, within Fourteen Days after he shall have had notice that the Assignees shall have declined the same as aforesaid; provided that in all such cases as aforesaid it shall be lawful for the Lessor or Person agreeing to make such Lease, his heirs, executors, administrators or assigns, if the said Assignee shall decline, upon his or their being required so to do, to determine whether he will or will not accept such Lease or Agreement for a Lease, to apply to the Commissioner, praying that either he may so accept the same, or deliver up such Lease or Agreement for a Lease and the possession of the premises demised or intended to be demised; and the said Commissioner shall thereupon make such Order as in all the circumstances of the case shall seem meet and just, and such Order shall be binding on all Parties.

62. If Petitioner has agreed for Purchase of Estates, Assignees not forced to complete, unless they deem fit.

And be it Enacted, That if any such Petitioner shall have entered into any Agreement for the Purchase of any Estate or Interest in Land, the Vendor thereof, or any Person claiming under him, if the Assignee of such Debtor shall not (upon being thereto required) elect whether he will abide by and execute such Agreement or abandon the same, shall be entitled to apply to the Commissioner, who may thereupon order him to deliver up the said Agreement and the possession of the Premises to the Vendor or Person claiming under him, or may make such other Order therein as he shall think fit.

63. Assignees may exercise all Powers vested in Petitioner for benefit of Creditors.

And be it Enacted, That all Powers vested in any such Petitioner which he might legally execute for his own benefit (except the right of nomination to any vacant Ecclesiastical Benefice) may be executed by the Assignee for the benefit of the Creditors in such manner as the Petitioner might have executed the same.

64. Sale of Copyhold or Customary Lands.

And be it Enacted, That the Commissioner of the Court in which any such Petition is filed shall have the power by Deed indented and inrolled in any of His Majesty's Courts of Record, to make Sale, for the benefit of the Creditors, of any Copyhold or Customary Lands, or of any Interest to which any such Petitioner is entitled therein, and thereby to entitle or authorize any Person or Persons on their behalf to surrender the same for the purpose of any Purchaser being admitted thereto.

65. Persons buying such Copyhold or Customary Lands to compound with the Lords of the Manors before they enter into possession.

And be it Enacted, That every Person to whom any Sale or Assignment of Copyhold or Customary Land or Tenements shall be made by the Commissioner, shall, before he enter into or take any profit of the same, agree and compound with the Lords of the Manors of whom the same shall be holden, for fines, dues and other services as theretofore have usually been paid for the same, and thereupon the said Lords shall, at the next or any subsequent Court to be holden for the said Manors, grant unto such Vendee, upon request, the said Copyhold or Customary Lands or Tenements for such Estate or Interest as shall have been so sold or assigned to him as aforesaid, reserving the ancient rents, customs and services, and shall admit him Tenant of the same.

66. Commissioner may issue Summons for attendance of Petitioner.

And be it Enacted, That it shall be lawful for the said Commissioner, by Summons under his hand, to summon the Petitioner, before him whether such Petitioner shall have obtained his Certificate, as hereinafter mentioned, or not; and in case he shall not come at the time in such Summons appointed, having no lawful impediment made known to such Commissioner at such time and allowed by him, it shall be lawful for the said Commissioner, by Warrant under his hand and seal, to authorize and direct any person he shall think fit to apprehend and arrest such Person so petitioning, and bring him before him; and upon the appearance of such Person on apprehension by virtue of such Warrant, or otherwise, it shall be lawful for such Commissioner to examine him upon Oath, either by word of mouth or on Interrogatories in writing, touching all matters relating either to his dealings or estate, or which may tend to disclose any secret Grant, Conveyance or concealment of his Lands, Tenements, Goods, Money or Debts, and to reduce his Answers into writing, which Examination so reduced into writing the said Petitioner shall sign and subscribe; and if such Petitioner shall refuse to be sworn, or shall refuse to answer any questions put to him by the said Commissioner touching any of the matters aforesaid, or shall not fully

fully answer to the satisfaction of the said Commissioner any such questions, or shall refuse to sign and subscribe his Examination so reduced into writing as aforesaid, not having any lawful objection allowed by the said Commissioner, it shall be lawful for the said Commissioner, by Warrant under his hand and seal, to commit him to such prison as he shall think fit, there to remain without Bail until he shall submit himself to the said Commissioner to be sworn, and full answers make, to the said Commissioner's satisfaction, to such questions as shall be put to him, and sign and subscribe such Examination.

67.
CLAUSE (U.) Petitioner in custody to be brought before Commissioner.

And be it Enacted, That when any Petitioner is in Prison, or in custody for any cause whatsoever, the Commissioner may, by warrant under his hand, directed to the Person in whose custody such Petitioner is confined, cause such Petitioner to be brought before him at any sitting, and the expense thereof shall be paid out of his Estate; and such Person shall be indemnified by the Warrant of such Commissioner for bringing up such Petitioner: Provided that the Assignees may appoint any Person to attend such Petitioner from time to time, and to produce to him his Books, Papers and Writings, in order to prepare an Abstract of his Accounts, and a Statement to show the particulars of his Estate and Effects previous to his final Examination and discovery thereof; a Copy of which Abstract and Statement the said Petitioner shall deliver to them Ten Days at least before his final Examination.

Assignees may appoint Persons to attend Petitioner in Prison.

68.
Commissioner empowered to summon Persons supposed to possess Property belonging to Petitioner.

And be it Enacted, That after such Petition shall have been filed, that it shall be lawful for such Commissioner to summon before him any Person known or suspected to have any of the Estate of the Petitioner, or who is supposed to be indebted to the Petitioner, or any Person whom such Commissioner believes capable of giving information concerning the Dealings or Estate of such Petitioner, or any Person whom he shall believe capable of giving evidence on any matter before him as such Commissioner; and it shall be lawful for the said Commissioner to require such Person to produce any Books, Papers, Deeds, Writings or other Documents in his custody or power which may appear to the said Commissioner necessary to the verification of the Depositions of such Persons as to the full disclosure of any of the matters which such Commissioner is authorized to inquire into; and if such Person, so summoned as aforesaid, shall not come in before such Commissioner at the time appointed, having no lawful impediment made known to the said Commissioner and allowed by him, it shall be lawful for the said Commissioner, by Warrant under his hand and seal, to authorize and direct the Person therein named for that purpose to apprehend and arrest such Person and bring him before him to be examined as aforesaid.

69. Commissioner may examine such Persons on their appearance.

And be it Enacted, That upon the appearance of any Person before such Commissioner, whether summoned or not, it shall be lawful for the Commissioner to examine every such Person upon Oath, either by word of mouth or by Interrogatories in writing, concerning the Dealings or Estate of such Petitioner, or concerning any other matter before him as such Commissioner, and to reduce into writing the Answers of such Person, and such Answers so reduced into writing the Party examined is hereby required to sign and subscribe; and if any such Person shall refuse to be sworn, or shall refuse to answer any lawful questions put to him by such Commissioner touching any of the matters aforesaid, or shall not fully answer to the satisfaction of the said Commissioner any such lawful questions, or shall refuse to sign and subscribe his Examination so reduced into writing as aforesaid, not having any lawful objection allowed by the said Commissioner, or shall not produce any Books, Papers, Deeds or Writings and other Documents in his custody or power relating to any of the matters aforesaid which such Person was required by the said Commissioner to produce, and to the production of which he shall not state any objection allowed by the said Commissioner, it shall be lawful for him, by Warrant under his hand and seal, to commit such Person to such Prison as he shall think fit, there to remain without Bail until he shall submit himself to be sworn and full answers make, to the Commissioner's satisfaction, to all such lawful questions as shall be put to him, and sign and subscribe such Examination, and produce such Books, Papers, Deeds, Writings and other Documents as aforesaid in his custody or power, to the production of which no such objection as aforesaid has been allowed.

70. Clause (X.) Commissioners may take Evidence, vivâ voce, or upon Affidavit, before a Judge or Master.

And be it Enacted, That the said Commissioner may in all matters within his jurisdiction have power to take the whole or any part of the Evidence either *vivâ voce* on oath, or upon affidavits to be sworn before a Judge of the Court of Review, a Commissioner of the Court of Bankrupty, a Commissioner under this Act, or a Master Ordinary or Extraordinary in Chancery

71. Witnesses summoned allowed Expenses.

And be it Enacted, That when any Person known or suspected to have any of the Estate of such Petitioner, or who is supposed to be indebted to such Petitioner, shall be summoned to attend before such Commissioner, every such Person shall have such Costs and Charges as the said Commissioner shall in his discretion think fit; and every Witness summoned to attend before such Commissioner shall have his necessary Expenses tendered to him in like manner as is now by law required upon service of a Subpœna to a Witness in an Action at Law.

And

72. Commissioner may summon Wife of Petitioner.

And be it Enacted, That it shall be lawful for the said Commissioner, in manner aforesaid, to summon before him the Wife of any Petitioner, and in manner aforesaid to examine her for the finding out and discovery of the Estate, Goods and Chattels of such Petitioner as aforesaid, concealed, kept or disposed of by such Wife in her own person or by her own act, or by any other Person; and she shall incur such Danger or Penalty for not coming before, or for refusing to be sworn and examined, or for refusing to sign or subscribe her Examination, or for not fully answering to the satisfaction of the Commissioner, as is hereby provided against other Persons.

73. Commissioner in Warrant of Commitment for not answering any Question, to specify the Question.

And be it Enacted, That if any Person be committed by such Commissioner for refusing to answer, or for not fully answering any Question put to him by the said Commissioner, such Commissioner shall in his Warrant of Commitment specify every such Question; provided that if any Person committed by such Commissioner shall sue out any *Habeas Corpus* in order to be discharged from such Commitment, and there shall appear, on the return of such *Habeas Corpus*, any such insufficiency in the form of the Warrant whereby such Person was committed, by reason whereof he might be discharged, it shall be lawful for the Court or Judge before whom such Party shall be brought by *Habeas Corpus*, and such Court or Judge is hereby required to commit such Person to the same Prison, there to remain until he should conform, unless it shall be shown to such Court or Judge by the Party committed that he has fully answered all lawful Questions put to him by such Commissioner, or if such Person was committed for refusing to be sworn, or for not signing his Examination, unless it shall appear to such Court or Judge that he had a sufficient reason for the same: Provided also, That such Court or Judge shall, if required thereto by the Party committed, in case the whole of the Examination of the Party so committed shall not have been stated in the Warrant of Commitment, inspect and consider the whole of the Examination of such Party, whereof any such Question was a part, and if it shall appear from the whole Examination that the Answer or Answers of the Party committed is or are satisfactory, such Court or Judge shall or may order the Party so committed to be discharged.

74. Penalty on Gaolers allowing Debtors committed to their charge to escape.

And be it Enacted, That if any Gaoler to whose custody any Person shall be committed as aforesaid, shall wilfully suffer such Person to escape, every such Gaoler shall forfeit Five hundred Pounds.

75. Penalty for fraudulently concealing Property after Petition.

And be it Enacted, That any Person wilfully concealing any Real or Personal Estate of such Petitioner, and who shall not within the time appointed for his last examination, discover such Estate to the Commissioner or Assignee, shall forfeit the sum of One hundred Pounds

and Double the Value of the Estate so concealed; and any Person who shall after the expiration of the time aforesaid, voluntarily discover to one or more of the Assignees any part of such Debtor's Estate not before come to the knowledge of the Assignees, shall be allowed Five per centum thereupon, and such further reward as the major part in value of the Creditors present at any Meeting called for that purpose shall think fit to be paid out of the Estate recovered by such discovery.

76 Allowance may be made to Petitioner.

And be it Enacted, That it shall be lawful for the Commissioner, before the choice of Assignees, and after such choice, for the Assignees, with the approbation of the Commissioner testified in writing under his hand, from time to time to make such Allowance to the Petitioner out of his Estate, until he shall have passed his last Examination, as shall be necessary for the support of himself and his family.

77. Clause (Y.) Costs may be awarded by the Court of Review, and Commissioners.

And be it Enacted, That the Court of Review, the Commissioners of His Majesty's Court of Bankruptcy, and the Commissioners appointed under this Act, may award in all matters before them such Costs as to them shall seem fit and just.

78. Clause (Z.) Recovery of Costs.

And be it Enacted, That in cases in which the said Court of Review, or a Commissioner of His Majesty's Court of Bankruptcy, or a Commissioner under this Act, is or are by this Act authorized to award Costs against any Persons, it shall and may be lawful for such Court, or such Commissioners, to cause such Costs to be recovered from such Person in the same manner as Costs awarded by a rule of any of the superior Courts at *Westminster* may be recovered.

79. Proceedings under the Act not liable to Stamp Duty.

And be it Enacted, That after this Act shall have come into effect, no Deeds, Conveyances, Assignments, Surrenders, Admissions and other Assurances of or to or relating solely to any Freehold, Leasehold, Copyhold or Customary Messuages, Lands or Tenements, or any Mortgage, Charge or other Incumbrance upon, or any Estate, Right or Interest of and in any Messuages, Lands, Tenements or Personal Estate, being the Estate of or belonging to any Petitioner, or part or parcel thereof, and which, after the execution of such Deeds, Conveyances, Assignments, Surrenders or Assurances respectively shall either in law or in equity be or remain the Estate and Property of such Petitioner, or the Assignee appointed or chosen by virtue of this Act; nor any Powers of Attorney, Writs of Supersedeas and Procedendo, Certificates of Conformity, Affidavits and all other Instruments and Writings whatsoever relating solely to the Estate or Effects of any Petitioner, or any part thereof, nor any Proceedings under any such Petition, nor any Advertisements inserted in the *London Gazette* relating

relating solely to the matters of such Petition, shall be liable to any Stamp Duty or any other Government Duty whatsoever; and no Sales of any Real or Personal Estate of any such Petitioner shall be liable to any Auction Duty.

80. Limitation of Actions.

And be it Enacted, That every Action brought against any Person for any thing done in pursuance of this Act, shall be commenced within Three calendar Months next after the fact committed; and if it shall appear that such Action was commenced after the time before limited for bringing the same, the Jury shall find for the Defendant; and if there be a Verdict for the Defendant, or if the Plaintiff shall be nonsuited, or discontinue his Action or Suit, after appearance thereto, or if upon Demurrer Judgment shall be given against the Plaintiff, the Defendant shall recover Double Costs.

81. Assignees to keep Account of Property of Petitioner.

And be it Enacted, That the Assignees shall keep an Account wherein they shall enter all Property of the Petitioner received by them, and all Payments made by them on account of such Petitioner's Estate, which Account every Creditor who shall have proved may inspect at all seasonable times; and it shall be lawful for the Commissioner at all times, by writing under his hand, to summon the Assignee before him, and require him to produce all Books, Papers, Deeds, Writings and other Documents relating to the Petitioner, in his possession; and if such Assignee so summoned shall not come before the Commissioner at the time appointed (having no impediment made known to the Commissioner, and allowed by him) it shall be lawful for the said Commissioner, by Warrant under his hand and seal, directed to such person as he shall think fit, to cause such Assignee to be brought before them, and upon their refusing to produce such Books, Deeds, Writings, Papers or Documents as aforesaid, it shall be lawful for the said Commissioner to commit the Party so refusing to such Prison as he shall think fit, there to remain without Bail until such Party shall submit himself to the said Commissioner.

82. Clause (AA.) Creditors to direct where the Money arising from the Petitioner's Estate shall be paid in, &c.

And be it Enacted, That at the Meeting of Creditors for the choice of Assignees, the major part in value of such Creditors there present may direct how and with whom, and where the Money received from time to time out of the Estate shall be paid in and remain until it be divided; and if such Creditors shall not make such direction as aforesaid, the Commissioner shall immediately after such choice, and at the same Meeting, make such direction; but no Money shall be directed to be paid into the hands of any Commissioner, or of the Solicitor to the Petition, or into any Banking House, or other House in trade in which any such Commissioner, Assignee or Solicitor is interested: Provided, That it shall be lawful for the Assignee of the Petitioner's Estate, or of

any Bankrupt's Estate, to deposit the Money or Securities of such Estates respectively in any Joint Stock Bank, notwithstanding such Assignee may be a Shareholder in such Bank, provided the said Bank be duly registered.

83. CLAUSE (BB.) Assignee disobeying direction to pay or invest Money, and retaining it, or permitting Co-Assignee to retain or employ it, to be charged £. 20 per Cent.

And be it Enacted, That if any Assignee shall retain in his hands, or employ for his own benefit, or knowingly permit any Co-Assignee so to retain or employ any sum to the amount of One hundred Pounds or upwards, part of the Estate of the Petitioner, or shall neglect to invest any Money in the purchase of Exchequer Bills, when so directed as aforesaid, every such Assignee shall be liable to be charged in his Accounts with such Sum as shall be equal to Interest at the rate of Twenty Pounds per Centum per Annum, or all such Money for the time during which he shall have so retained or employed the same, or permitted the same to be so retained or employed as aforesaid, or during which he shall have so neglected to invest the same in the purchase of Exchequer Bills, and the Commissioner is hereby required to charge every such Assignee in his Accounts accordingly.

84. Commissioner may invest Money in Government Securities.

And be it Enacted, That the Commissioner may, as often as it shall appear to him expedient for the Petitioner's Estate, direct any Money, part of such Estate, to be invested in the purchase of Exchequer Bills for the benefit of the Creditors, and may direct where and with whom such Exchequer Bills shall be kept, and cause such Exchequer Bills to be sold when it shall appear to him expedient, and may direct the Proceeds thereof to be again laid out in the purchase of Exchequer Bills, or to be applied for the benefit of the Creditors.

85. CLAUSE (CC.) If Assignee become a Petitioner, having Petitioner or Bankrupt's Estate wilfully retained his Certificate, shall not discharge his future Effects in respect of it.

And be it Enacted, That if any Assignee indebted to the Estate of which he is such Assignee, in respect of money so retained or employed by him as aforesaid, either as Assignee to any Petitioner under this Act, or Assignee of any Bankrupt according to the Bankrupt Laws, shall have a Petition filed under this Act, and obtain his Certificate, it shall only have the effect of freeing his tools of trade, necessary household goods, and the necessary wearing apparel of himself, his wife and children; and he shall remain liable for so much of his Debts to the Estate of which he was Assignee as shall not be paid by Dividends under his Petition, together with lawful Interest for the whole Debt.

86. Accounts of Assignees to be audited at a Public Meeting.

And be it Enacted, That the Commissioner shall, at the Sitting appointed for the last examination of the Petitioner appoint a Public Meeting not sooner than Four calendar Months from the time of filing the Petition, nor later than Six calendar Months from the last examination of the Petitioner, whereof and of the purport whereof he shall give Twenty-one Days' Notice in the London Gazette, to audit the Accounts

of

of the Assignees; and the Assignees at such Sitting shall deliver upon Oath a true Statement in writing of all Money received by them respectively, and when and on what account, and how the same have been employed, and the Commissioner shall examine such Statement, and compare the Receipts with the Payments, and ascertain what Balances have been from time to time in the hands of such Assignees respectively, and shall inquire whether any Sum appearing to be in their hands ought to be retained; and it shall be lawful for the said Commissioner to examine the said Assignees upon Oath touching the truth of such Accounts.

87. Dividends.

And be it Enacted, That the Commissioner shall, not sooner than Four or later than Twelve calendar Months from the filing of the Petition appoint a public Sitting (whereof and of the purport whereof Twenty-one Days' Notice shall be given in the *London Gazette*) to make a Dividend of the Petitioner's Estate, at which Sitting all Creditors who have not proved their Debts shall be entitled to prove the same; and the said Commissioner at such Sitting shall order such part of the net Produce of the Petitioner's Estate in the hands of the Assignees as he shall think fit to be forthwith divided amongst such Creditors as have proved Debts, in proportion to their respective Debts, and shall make an Order for a Dividend in writing, and shall cause one part of such Order to be filed amongst the Proceedings, and shall deliver another part thereof to the Assignees, which Order shall contain an Account of the time and place of making such Order, of the Amount of the Debts proved, of the Money remaining in the hands of the Assignees to be divided, of how much in the Pound is then ordered to be paid to every Creditor, and of the Money allowed by the Commissioner to be retained by the Assignees, with the reasons for allowing the same to be so retained; and the Assignees in pursuance of such Order, and without any Deed of Distribution made for that purpose, shall forthwith make such Dividend, and shall take Receipts, in a Book to be kept for that purpose, from each Creditor for the Dividend to be received by such Creditor, and such Order and Receipt shall be a discharge to every such Assignee for so much as he shall pay pursuant to such Order; and no Dividend shall be declared unless the Accounts of the Assignees shall have been first so audited as aforesaid, and such Statement delivered by them upon Oath as aforesaid.

88. Clause (DD.) Final Dividends within Eighteen Months, except where Suit depending, or Estate standing out, &c.

And be it Enacted, That if the Petitioner's Estate shall not have been wholly divided upon the first Dividend, the Commissioner shall, within Eighteen calendar Months after the filing of the Petition, appoint a public Meeting (whereof, and of the purport whereof he shall give Twenty-one Days' Notice in the *London Gazette*) to make a second Dividend of the Petitioner's Estate, when all Creditors who have not proved their Debts may prove the same; and the Commissioner at such

such Meeting, after taking such Audit as hereinbefore directed, shall order the Balance in the hands of the Assignee to be forthwith divided amongst such of the Creditors as have proved their Debts, and such second Dividend shall be final, unless any Action at Law or Suit in Equity be depending, or any part of the Estate be standing out, not sold or disposed of, or unless some other Estate and Effects of the Petitioner shall afterwards come to the Assignee, in which case they shall, as soon as may be, convert such Estate and Effects into Money, and within Two calendar Months after the same shall be so converted, divide the same in manner aforesaid.

89. CLAUSE (EE.) No Action to be brought for Dividends, but the remedy to be by application to the Commissioner.

Be it Enacted, That no Action for any Dividend shall be brought against the Assignees by any Creditor who shall have proved under the Petition; but if the Assignees refuse to pay any such Dividend, the Commissioner may order payment thereof, with Interest for the time it shall have been withheld, and the Costs of the application.

90. Creditors having Security or having made Attachment, to receive only a rateable proportion of their Debt.

And be it Enacted, That no Creditor having Security for his Debt, or having made any Attachment, in London or any other place, by virtue of any Custom there used, of the Goods and Chattels of the Petitioner, shall receive upon any such Security or Attachment more than a rateable part of such Debt, except in respect of any Execution or Extent served and levied by seizure upon, or any Mortgage of or Lien upon any part of the Property of such Petitioner before the time of filing his Petition *bonâ fide* and without collusion.

91. Assignees may compound with Debtors.

And be it Enacted, That the Assignees, with the consent of the major part in value of the Creditors who shall have proved their Debts, present at any Meeting, (whereof and of the purport whereof Twenty-one Days' Notice shall have been given in the *London Gazette*,) may compound with any Debtor to the Estate of such Petitioner, and take any reasonable part of the Debt in discharge of the whole, or may give time or take Security for the payment of such Debt; or may submit any Dispute between such Assignees and any Persons concerning any matter relating to such Petitioner's Estate, to the determination of Arbitrators to be chosen by the Assignees and the major part in value of such Creditors, and the Party with whom they shall have such dispute, and the Award of such Arbitrators shall be binding on all the Creditors; and the Assignees are hereby indemnified for what they shall do according to the directions aforesaid; and no Suit in Equity shall be commenced by the Assignees without such Consent as aforesaid; provided that if One-third in value, or upwards, of such Creditors shall not attend at any such Meeting, whereof such Notice shall have been given as aforesaid, the Assignees shall have power, with the Consent of the Commissioner testified in writing under his hand, to do any of the matters aforesaid.

92. CLAUSE (FF.) Arbitration.

And be it Enacted, That if the Assignees of any Petitioner's Estate shall agree to refer any matter in dispute with any Party to Arbitration in such matter, as in law they are empowered to do, such Agreement shall be made a rule of the Court of the Commissioner wherein the matter of the Petition is depending, and thereupon all such Rights, Remedies, Duties and Liabilities shall accrue from such reference so made a rule of the said Court, in respect of Arbitration and Award, and non-performance of such Award, and otherwise howsoever as by law at present accrue upon any submission of reference made a rule of any of His Majesty's other Courts of Record.

93. Mutual Debts.

And be it Enacted, That where there has been mutual Credit given by the Petitioner and any other Person, or where there are mutual Debts between such Petitioner and any other Person, the Commissioner shall state the Account between them, and one Debt or Demand may be set against another, and what shall appear due on either side on the balance of such Account, and no more, shall be claimed or paid on either side respectively; and every Debt or Demand hereby made proveable against the Estate of the Petitioner may also be set off in manner aforesaid against such Estate.

94. Certificates to be granted to Petitioners.

And be it Enacted, That every Petitioner, who shall have in all things conformed himself to this Act in all matters and things by such Petitioner required to be done, shall be discharged from all Debts due by him at the time when his Petition was filed, and from all Claims and Demands hereby made proveable, in case he shall obtain a Certificate of such conformity so signed and allowed, and subject to such provisions as hereinafter directed; but such Certificate shall not release or discharge any Person who was Partner with such Petitioner at the time of the filing the Petition as aforesaid, or who was then jointly bound or had made any joint Contract with such Petitioner.

95. Certificates to be signed by Four-fifths of Creditors.

And be it Enacted, That such Certificate shall be signed by Four-fifths in number and value of the Creditors of the Petitioner, who shall have proved Debts to the amount of Ten Pounds or upwards, and after Six calendar Months from the filing of the Petition, then either by Three-fifths in number and value of such Creditors, or by Nine-tenths in number of such Creditors, who shall thereby testify their Consent to the said Petitioner's discharge as aforesaid; and no such Certificate shall effect such Discharge unless the Commissioner shall, in writing under his hand and seal, certify to the Court of Review that such Petitioner has made a full discovery of his Estate and Effects, and in all things conformed as aforesaid, and that there does not appear any reason to doubt the truth or fulness of such discovery, and also that Creditors have signed in manner hereby directed, and unless such Petitioner make

Oath in writing that such Certificate and Consent were obtained without fraud, and unless such Certificate after such Oath shall be allowed by the Court of Review, against which any of the Credirors of the Petitioner may be heard before the Court of Review.

96. Clause (GG.) Certificate to be received, if Appeals are misrepresented.

And be it Enacted, That no Petitioner shall be entitled to his Certificate, if he shall have wilfully misrepresented, in his Affidavit made on presenting his Petition, that he had Assets to the value of Fifty Pounds.

97. Clause (HH.) Where Petitioner has petitioned before, or been a Bankrupt, unless 15*s.* in the Pound is paid, his Tools and Furniture only protected.

And be it Enacted, That if any Person who shall have been so discharged by such Certificate as aforesaid, or who shall have compounded with his Creditors, or who shall have obtained his Certificate under the laws relating to Bankrupts, shall be a Petitioner, and obtain such Certificate as aforesaid, unless his Estate shall produce (after all Charges) sufficient to pay every Creditor Fifteen Shillings in the Pound, such Certificate shall only protect his Tools of Trade and necessary Household Furniture, and the wearing Apparel of himself, his wife and children.

98. Clause (II.) Petitioner not liable upon any promise to pay Debt discharged by Certificate, unless such promise be in writing.

Obtaining his Certificate.

And be it Enacted, That no Petitioner, after his Certificate shall have been allowed, shall be liable to pay or satisfy any Debt, Claim or Demand from which he shall have been discharged by virtue of such Certificate, or any part of such Debt, Claim or Demand, upon any Promise, Contract or Agreement made or to be made after the filing of the Petition, unless such Promise, Contract or Agreement be made in writing, signed by the Petitioner, or some Person thereto lawfully authorized, in writing, by such Petitioner; and no promise made previously to the granting of such Certificate shall be valid.

99. Commissioner to have proof of Signature of Creditors.

And be it Enacted, That the Commissioner shall not sign any Certificate unless he shall have proof, by Affidavit in writing, of the Signature of the Creditors thereto, or of any Person thereto authorized by any Creditor, and of the authority by which such Person shall have so signed the same; and if any Creditor reside abroad, the authority of such Creditor shall be attested by a Notary Public, British Minister or Consul; and every such Affidavit, Authority and Attestation shall be laid before the Court of Review, with the Certificate, previous to the allowance thereof.

100. Regulation as to per-centage Allowance to Debtor.

And be it Enacted, That every Petitioner who shall have obtained his Certificate, if the net produce of his Estate shall pay the Creditors who have proved Ten Shillings in the Pound, shall be allowed Five per centum out of such produce, to be paid him by the Assignees, provided such allowance shall not exceed Four hundred Pounds; and every such Petitioner, if such produce shall pay such Creditors Twelve Shillings and Sixpence in the Pound, shall be allowed and paid as aforesaid

aforesaid Seven Pounds Ten Shillings per centum, provided such allowance shall not exceed Five hundred Pounds; and every such Petitioner, if such produce shall pay such Creditors Fifteen Shillings in the Pound or upwards, shall be allowed and paid as aforesaid Ten Pounds per centum, provided such allowance shall not exceed Six hundred Pounds; but if such produce shall not pay such Creditors Ten Shillings in the Pound, such Petitioner shall only be allowed and paid so much as the Assignees and Commissioner shall think fit, not exceeding Three Pounds per centum, and Three hundred Pounds.

103. Regulation as to Allowance in cases of joint Petitions.

And be it Enacted, That in all joint Petitions under which any Partner shall have obtained his Certificate, if a sufficient dividend shall have been paid upon the joint Estate and upon the separate Estate of such Partner, he shall be entitled to his allowance, although his other Partner or Partners may not be entitled to any allowance.

104. No Petitioner entitled to Certificate who has lost by gaming in one day Twenty, or within one year Two hundred Pounds, or who has wilfully misrepresented the amount of his Assets.

And be it Enacted, That no Petitioner shall be entitled to his Certificate, or to be paid any such allowance, and that any Certificate, if obtained, shall be void, if such Petitioner shall have lost by any sort of gaming or wagering in one day Twenty Pounds, or within one year next preceding the filing of his Petition Two hundred Pounds, or if he shall within one year next preceding the filing of such Petition have lost Two hundred Pounds by any contract for the purchase or sale of any Government or other Stock, where such contract was not to be performed within One Week after the contract, or where the Stock bought or sold was not actually transferred or delivered in pursuance of such contract, or after the filing of such Petition, or being insolvent, shall in contemplation of filing such Petition, have destroyed, altered, mutilated or falsified any of his Books, Papers, Writings or Securities, or made or been privy to the making of any false or fraudulent entries in any Book of Account or other document with intent to defraud his Creditors, or shall have concealed property to the value of Ten Pounds or upwards; or if any Person, having proved a false Debt against such Petitioner's Estate, such Petitioner being privy thereto, or afterwards knowing the same, shall not have disclosed the same to his Assignees within One Month after such knowledge.

105. All fraudulent Contracts in order to obtain signature of Creditors, to be void.

And be it Enacted, that any Contract or Security made or given by any Petitioner or other Person unto or in trust for any Creditor, or for securing the payment of any Money due by such Petitioner at the time of filing the Petition, as a consideration or with intent to persuade such Creditor to consent to or sign such Certificate, shall be void, and the Money thereby secured or agreed to be paid shall not be recoverable, except in the hands of a *bonâ fide* holder, and if the Petitioner or any other Person shall have paid any sum of money, or given any goods or securities to such Creditor, such Petitioner or other Person may recover back such sum of money, goods or securities.

106. In cases of Petitions by Firms or Partners.

And be it Enacted, That if a member of a Firm present his Petition as aforesaid, the Commissioner may authorize the Assignee to commence or prosecute any Action at Law or Suit in Equity in the name of such Assignee and of the remaining Partner against any Debtor of the Partnership, and may obtain such Judgment, Decree or Order therein as if such Action or Suit had been instituted with the consent of such Partner; and if such Partner shall execute any Release of the Debt or Demand for which such Action or Suit is instituted, such Release shall be void; provided that every such Partner, if no benefit is claimed by him by virtue of the said Proceedings, shall be indemnified against the payment of any Costs in respect of such Action or Suit, and that it shall be lawful for the Commissioner, upon the application of such Partner, to direct that he may receive so much of the Proceeds of such Action or Suit as the Commissioner shall direct.

107. Surplus to be repaid to Petitioner.

And be it Enacted, That the Assignee shall, upon request made to them by the Petitioner, declare to him how he had disposed of his Real and Personal Estate, and pay the Surplus, if any, to such Petitioner, his executors, administrators and assigns; and every such Petitioner, after the Creditors who have proved shall have been paid, shall be entitled to recover the remainder of the Debts due to him; but the Assignee shall not pay such Surplus until all Creditors who have proved shall have received Interest upon their Debts, to be calculated and paid at the rate and in the order following; (that is to say) all Creditors whose Debts are now by law entitled to carry Interest, in the event of a surplus, shall first receive Interest on such Debts at the rate of Interest reserved or by law payable thereon, to be calculated from the date of filing the Petition; and after such Interest shall have been paid, all other Creditors who have proved shall receive Interest on their Debts from the day of the filing the Petition, at the rate of Five Pounds per centum.

108. Clause (KK.) Court of Review may order Petitioners to join in Conveyances.

And be it Enacted, That it shall be lawful for the Court of Review, upon the Petition of the Assignee, or of any Purchaser from them of any part of the Petitioner's Estate, to order the Petitioner to join in any conveyance of such Estate, or any part thereof; and if he shall not execute such Conveyance within the time directed by the Order, such Petitioner, and all Persons claiming under him, shall be stopped from objecting to the validity of such Conveyance; and all Estate, Right or Title which such Petitioner had therein, shall be as effectually barred by such Order as if such Conveyance had been executed by him.

109. Clause (LL) Where Trustee petitions, Lord Chancellor may order Conveyance

And be it Enacted, That if any Petitioner shall as Trustee be seised, possessed of or entitled to, either alone or jointly, any Real or Personal Estate, or any interest secured upon or arising out of the same, or shall have standing in his name as Trustee, either alone or jointly, any Government

Government Stock, Funds or Annuities, or any of the Stock of any public Company, either in *England*, *Scotland* or *Ireland*, it shall be lawful for the Lord Chancellor, on the Petition of the Person or Persons entitled in possession to the receipt of the Rents, Issues and Profits, Dividends, Interest or Produce thereof, on due Notice given to all Persons (if any) interested therein, to order the Assignee, and all other Persons whose act or consent thereto is necessary, to convey, assign or transfer the said Estate, Interest, Stock, Funds or Annuities to such Person or Persons as the Lord Chancellor shall think fit upon the same trusts as the said Estate, Interest, Stock, Funds or Annuities were subject to before the filing the Petition, or such of them as shall be then subsisting and capable of taking effect, and also to receive and pay over the Rents, Issues and Profits, Dividends or Produce thereof as the Lord Chancellor shall direct.

and Assignment to other Trustees.

110. CLAUSE (MM.) To vest Property given for the relief of Debtors.

AND whereas divers large sums of Money and other Property have been given by Deed, Will or otherwise, by many Individuals for the relief of Persons imprisoned for Debt; BE it Enacted, That from the passing of this Act all such Money and other Property shall be paid to and vested in the Accountant General, who is hereby directed to receive the same, and carry it to the credit of the Fee Fund; and every Person so paying or transferring such Monies or Property are hereby indemnified and saved harmless for so doing.

111. CLAUSE (NN.) Property in the hands of the Provisional Assignee of the Insolvent Court, or vested in the Funds for the benefit of the Insolvent Court, to be vested in the Accountant General.

Be it Enacted, That all sums of Money now being in the possession of the Provisional Assignee, or vested in Government Securities by the Insolvent Court, shall be paid to and vested in the said Accountant General, and shall be by him carried to the Account of the Fee Fund: Provided always, That the said Monies and Securities shall continue liable to the same trusts as they now are.

112. CLAUSE (OO.) Old Commissions and Fiats to be removed to the Court of the Commissioner.

And be it Enacted, That all Power, Jurisdiction and Authority of the Commissioners named in any Commission or Fiat not before the Commissioners of His Majesty's Court of Bankruptcy, shall cease and determine; and that every such Commission or Fiat shall be thereupon removed to the Commissioner appointed under this Act within whose jurisdiction it would have been if originally commenced after the passing of this Act; and that all further Proceedings therein shall be thenceforth prosecuted and carried on in like manner as if they had been originally commenced in the Court of the said Commissioner.

113. CLAUSE (PP.) Insolvent Debtors to be under the jurisdiction of the Commissioners under this Act.

Be it Enacted, That the Commissioners of His Majesty's Court of Bankruptcy, and the Commissioners appointed by this Act, shall have the same Powers and Authority as to all Insolvent Debtors who have petitioned the Court of Insolvent Debtors, their Estates and Assignees, as they have by this Act as to Debtors making cession of their Property, and may appoint official Assignees to such Estates.

114. Penalty for obtaining Goods under false Pretences.

AND whereas it is expedient to protect Creditors more effectually against Frauds committed by Debtors; BE it therefore Enacted, That if any Person shall, under the false colour and pretence of carrying on business and dealing in the ordinary course of trade, obtain on Credit from any other Person any Goods and Chattels with intent to defraud the Owner thereof, or if any Person shall, with such intent, remove, conceal or dispose of any Goods or Chattels so obtained, knowing them to have been so obtained, every Person so offending shall on conviction for such Offence suffer Imprisonment not exceeding Two Years, with or without Hard Labour, as the Court shall think fit.

115. Court of Requests may Imprison in cases of Fraud.

And be it Enacted, That after the passing of this Act no Person shall be imprisoned by the Order of any Courts of Request on account of any Debt due by him, unless upon the hearing of any Cause depending in any such Courts of Request it shall appear to the Commissioners for the time being of the said Courts, or any Five or more of them, that the Debtor shall have, under false colour or pretence of carrying on business, and dealing in the ordinary course of trade, obtained Credit from the Plaintiff in that Action for any Goods and Chattels, with the intent to defraud the Owner thereof; or if after Action or summons shall have been commenced in, or have issued from, any such Courts of Request against any such Debtor, the said Debtor or Defendant shall make, or cause to be made, any fraudulent Grant or Conveyance of any of his Lands or Tenements, Goods or Chattels, or make, or cause to be made, any fraudulent Gift, Delivery or Transfer of any of his Money, Securities for Money, Goods and Chattels, or other personal Property, with intent to defraud the Plaintiff, then in such case the said Court, at the instance of the said Plaintiff, shall Summon the said Debtor, and in the Summons shall cause to be stated the Offence with which he was charged, requiring him to appear before the said Commissioners in the like manner, and within a like period, as upon the Summons at the commencement of the Action to which the Offence complained of relates; and if it shall appear to the said Commissioners, or any Five or more of them, that the said Debtor or Defendant is guilty of the Offence complained against him, then and in either case it shall and may be lawful to and for the said Commissioners, or any Five or more of them, by Warrant under their hands, to order and cause the Debtor or Defendant so offending to be committed to the Gaol or Prison, commonly called the House of Correction, for the County, City, Borough or Place wherein the said Court of Request shall be situated, for any time not exceeding Thirty Days, nor less than Ten Days, and that without impairing or destroying the Claim or Right of any Creditor to recover any Debt owing by any such Debtor.

116. For preventing fraudulent Grants by Debtors, with intent to defraud any Creditor.

And be it Enacted, That if any Person shall, after Action commenced against him by any Creditor, make or cause to be made, either within this Realm or elsewhere, any fraudulent Grant or Conveyance of

of any of his Lands, Tenements, Goods or Chattels, or make or cause to be made any fraudulent Surrender of any of his Copyhold Lands or Tenements, or make or cause to be made any fraudulent Gift, Delivery or Transfer of any of his Money, Securities for Money, Goods and Chattels or other Personal Property, with intent to defraud such Creditor, every Person so offending shall be deemed and taken to be guilty of a Misdemeanor, and shall on conviction for such Offence suffer Imprisonment not exceeding Two Years, with or without hard labour.

117. Penalty on Petitioner fraudulently removing Property.

And be it Enacted, That if any Petitioner shall, before or after such Petition filed, remove, conceal or embezzle any part of his Personal Estate to the amount of Pounds, with intent to defraud his Creditors, such Petitioner shall be deemed to be guilty of a Misdemeanor, and be liable to be imprisoned in any Common Gaol or House of Correction for any Term not exceeding Three Years, with or without Hard Labour.

118. Penalty on Persons guilty of Perjury.

And be it Enacted, That if any Person taking any Oath or making Affirmation as a Quaker, Moravian or Separatist, under the provision of this Act, or in anywise touching the execution of any of the Provisions thereof, shall wilfully forswear or perjure himself in any Oath so taken, or wilfully make any false Affirmation touching the same, and shall be lawfully convicted thereof, such Person so offending shall suffer such Punishment as may by law be inflicted on Persons convicted of wilful and corrupt Perjury.

119. Penalty for making false Accounts or Statements.

And be it Enacted, That if any Petitioner after filing such Petition, shall knowingly and wilfully make, utter or use in any Proceeding under this Act, any false Account, Statement or Exhibit in writing, with intent to injure or defraud any Creditor, every Party so offending shall be deemed and taken to be guilty of a Misdemeanor, and being thereof convicted, shall suffer Imprisonment not exceeding Two Years with or without Hard Labour.

120. Clause (a.) Debtor falsifying or mutilating Books, &c. to be liable to imprisonment.

And be it Enacted, That if any Debtor shall destroy, alter, mutilate or falsify, or cause to be destroyed, altered, mutilated or falsified any of his Books, Papers, Writings or Securities, or made or been privy to the making of any false or fraudulent Entries in any Books of Account or other Document, with intent to defraud a creditor, shall be guilty of a Misdemeanor, and be liable to be imprisoned in any Common Gaol or House of Correction for any time not exceeding Three Years, with or without Hard Labour.

121. Penalty on Debtors absconding.

And be it Enacted, That if any Debtor shall, after Judgment obtained against him by any Creditor, abscond or conceal himself with intent to defraud such Judgment Creditor, or to avoid making such discovery of his Property as is by this Act required, every Person so absconding or concealing himself shall be deemed and taken to be guilty of a

Misdemeanor, and shall on Conviction for such Offence be liable to Imprisonment for any term not exceeding Twelve calendar Months, with or without Hard Labour.

122. Indictment for Offences

And be it Enacted, That in any Indictment or Information for any Offence under this Act, it shall be sufficient to set forth the substance of the Offence charged on the Defendant, without setting forth any Petition, Schedule, Judgment, Conveyance, Assignment, Rule, Order, Adjudication, Warrant, or other Exhibit or Document.

123. Clause (QQ.) In application of Forfeitures.

And be it Enacted, That all Sums of Money forfeited under this Act, or by virtue of any conviction for perjury committed in any oath hereby directed or authorized, may be sued for, by the Trustee or Assignee, in any of His Majesty's Courts of Record, and the Money so recovered (the Charges of Suit being deducted) shall be paid to the Creditor, or, in case a Petition has been filed, shall be divided amongst the Creditors, as part of such Petitioner's Estate.

124. Court may order Prosecutor's Expenses to be paid.

And be it Enacted, That in all Prosecutions under this Act, it shall be lawful for the Court before whom any Offender against this Act, or against the Act made and passed in the thirteenth year of the reign of Queen Elizabeth, intituled, "An Act against fraudulent Deeds, Alienations," &c. whether the Offence charged be a Felony or Misdemeanor only, to order and direct the payment of the Prosecutor's Costs and the Expense of Witnesses as in cases of Felony.

125. Doing away with Arrest for Debt, except when Debtors are about to abscond.

AND whereas the present Power of Arrest is unnecessarily extensive and severe, and, provision being made to facilitate the remedy of Creditors against the Property of Debtors, ought to be relaxed; BE it therefore Enacted, That from and after the time appointed for the commencement of this Act, no Person shall be arrested upon any Process for Debt issuing out of any Court, unless the Plaintiff or some other Person on his behalf, shall make Oath that he believes the Debtor is about to abscond to avoid payment of his Debt, or about to leave the realm of *England* and *Wales*, or on special Order made by one of the Judges of the Superior Courts; provided that where such Arrest shall be made before Judgment, the Party so arrested shall be entitled to his discharge, upon finding Bail, according to the laws now in force.

126. Clause (RR.) Persons in contempt not liable to Arrest, except in certain cases.

And be it Enacted, That whenever any attachment shall be issuable from any Court for any contempt of such Court, for non-payment of any Sum of Money, or of Costs Charges or Expenses, the Party liable thereto shall not be arrested or imprisoned, except the Person entitled to such Money, Costs, Charges or Expenses make oath that he believes the Person liable is about to abscond; and all Persons entitled to such Money, Costs, Charges and Expenses shall have the same rights and privileges as Persons who have obtained judgment in the Courts of Common Law; subject, nevertheless, to such ascertaining of the amount of the said demands as may be had by taxation or otherwise

wise, and to such examination thereof as is provided for the examination of other Claims under this Act.

127. Persons arresting a Debtor, to prove Debtor was about to abscond, or leave the realm of England and Wales.

And be it Enacted, That if any Debtor having been arrested either on Mesne or Final Process, shall bring an Action against the Person at whose Suit he was arrested for such imprisonment, it shall be incumbent on such Person to prove that he had probable cause for believing that the Party arrested was about to abscond, to avoid payment of his debts, or about to leave the realm of *England* and *Wales*.

128. Prisoners now in Custody on Mesne Process to be discharged.

And be it Enacted, That any Prisoner who shall on the commencement of this Act be in custody on Mesne Process for any Debt, shall be entitled to his Discharge, save and except as is hereinafter provided: Provided nevertheless, That every such Prisoner shall be liable to be detained, or after such Discharge to be again arrested by and upon such Process as might, after the commencement of this Act, have been sued out against him had he not been so previously arrested.

129. Prisoners in Custody on Judgment entitled to their Discharge.

And be it Enacted, That every Prisoner who shall be in custody in execution on any Judgment for any Debt or Damages, or who shall have been committed for contempt or non-payment of any sum of money, or of costs, charges and expenses, at the time of the commencement of this Act, save and except as hereinafter is provided, shall be entitled to his Discharge: Provided nevertheless, That every such Prisoner shall be liable to be detained, or after Discharge be liable to be again arrested by and upon such Process, as might after the commencement of this Act have been had and obtained, and executed against him in case he had not been so previously arrested.

130. Prisoners in Charge in execution for Damages not Discharged for the Debt or Damages.

And be it Enacted, That no Prisoner who shall be in custody in execution on any Judgment for any Debt or Damages at the commencement of this Act, shall, by reason of such arrest in execution, be discharged from such Debt or Damages, but that notwithstanding such arrest in execution, such Debtor and all the Property of such Debtor shall be liable to all and every such Process and Proceedings as might, after the commencement of this Act, have been used and executed by any Creditor for the obtaining satisfaction of such Judgment in case such Debtor had not been so previously arrested.

131. Plaintiff recovering Judgment, empowered to issue Writ of capias ad satisfaciendum.

And be it Enacted, That if a Plaintiff recover Judgment against a Defendant in any Action for criminal conversation with the Wife, or for seducing the Daughter or Servant of the Plaintiff, in such Action, or for Breach of Promise of Marriage, or for a Libel, or for Slander, or in any other Action for a penalty for a malicious injury done to Plaintiff therein, or in any other Action of Tort or Trespass to the person or property of the Plaintiff, then such Plaintiff may cause to be issued a Writ of *capias ad satisfaciendum*, and the said Defendant to be imprisoned; provided that such Defendant may file his Petition in the Court of the Commissioner, within whose jurisdiction he may reside, and such

Commissioner may direct such Defendant to be discharged after such period of Imprisonment as the said Commissioner shall think right, but which time shall not in the whole exceed the term of Two Years; and if any Defendant shall be in custody at the time of the passing of this Act for any of the crimes or offences above enumerated, the Commissioners within their respective jurisdiction shall have power to direct such Person to be further imprisoned for a period not exceeding in the whole Two Years, or may then discharge him if they think fit.

132. For facilitating the suing out of Bailable Writs.

AND whereas Debtors fraudulently intending to abscond to evade legal demands by Creditors are frequently enabled to execute their purpose, from the delay with which the suing out a Bailable Writ is attended; FOR Remedy whereof, Be it Enacted, That when any Creditor to the amount of Twenty Pounds shall make Affidavit before a Commissioner of his Majesty's Court of Bankruptcy, appointed under this Act, or any Court having power, to take an Affidavit to hold Persons to bail in a civil suit, or a Justice of the Peace for the County or Place where the Debtor shall be, that the Debt is due, and that an Action has been commenced or will be commenced against such Debtor for the arrest of such Debtor within the space of Four Days, and that he believes the Debtor will abscond to avoid payment of his Debt unless he be forthwith apprehended, it shall and may be lawful for any such Commissioner, or any Court now having powers to take an affidavit to hold to bail in a Civil Suit, or any of His Majesty's Justices of the Peace of the County or Place where the said Debtor shall then be, to issue his Warrant to the Sheriff or to the Officer of any Court having authority to hold to bail appointed to execute the process thereof, for the immediate apprehension of such Debtor, and that the Sheriff or such Officer shall proceed to arrest; and such Proceedings shall be thereupon had as have heretofore been used upon a bailable Writ.

133. Warrant null and void, unless Suit be commenced for recovery of Debt within Four Days after obtaining it.

Provided nevertheless, and be it further Enacted, That such Warrant shall, as against the Party so procuring the same to be issued, be null and void, unless a Suit shall then be pending in one of the Superior Courts from which bailable Process might have issued for the apprehension of such Debtor for the Debt in respect of which such Arrest shall be had, or unless such Suit shall be commenced for the recovery of such Debt within Four Days from the arrest of such Debtor: And provided always, That it shall and may be lawful to and for any Person arrested on Mesne Process to apply forthwith to a Judge of one of the Superior Courts at *Westminster*, or of the Court of Record from which the proceedings have issued, for a Rule on the Plaintiff in such Suit to show cause why he should not be discharged out of Custody; and that it shall be lawful to and for any such Judge to make absolute or discharge such Rule with Costs, to be paid by either Party, at his discretion, or to make such order therein as to him shall seem fit.

And

134. Property of Debtors to remain liable, notwithstanding Arrest.

And be it Enacted, That no Arrest or Detention of any Debtor after Judgment obtained, shall discharge any Debtor from any Debt, or in anywise affect any Execution or other Process against the Property of such Debtor, but that notwithstanding any such Arrest the Property of every such Debtor shall remain liable to all and every Remedy which such Creditor before had to all intents and purposes as if such Arrest had not taken place.

135. Sheriff may discharge Debtors upon their entering into Recognizance with sufficient Sureties.

And be it Enacted, That when any Debtor shall be arrested after Judgment, or shall after Judgment remain in custody upon a previous Arrest in that Suit, or be surrendered in discharge of his Bail, it shall be lawful for every Sheriff or other Officer arresting the same, or having him in custody, to discharge him on his entering into a Recognizance with Two sufficient Sureties before

in Double the amount of the Judgment, with condition that such Debtor shall duly attend from time to time before such Commissioner as aforesaid, at such times and places as shall be appointed, in order to the Examination of such Debtor touching his Property, and shall and will in all respects submit himself to and conform with the provisions of this Act.

136. Person arrested to remain in Custody until after Examination.

And be it Enacted, That any Person so arrested, whether before or after Judgment obtained, shall remain in Custody, unless sooner released by due course of law, until he shall have submitted to such Examination and made such discovery touching his Property as is required by this Act, and shall in all other respects have submitted to and conformed with the Provisions of this Act touching such Examination and Discovery.

137. Appointment of Commissioners.

And be it Enacted, That it shall be lawful for His Majesty, in such cases as he shall deem it expedient so to do, to nominate and appoint, by commission under the Great Seal, for the purpose of carrying this Act into effect, one Serjeant-at-Law, or one Barrister of Ten Years' standing, or of Five Years' standing at the Bar, having previously practised as a Special Pleader for Five Years, for any one or more County or Counties, Riding or Ridings, or any parts thereof respectively, beyond the distance of Forty Miles from *London*, who shall be called Commissioner, and shall preside in a Court to be called the Court of Debtor and Creditor, which Court shall be a Court of Record, and shall have a seal; and every such Commissioner shall, within the limits of his jurisdiction, have exercise and discharge all the rights powers and privileges of a Judge of a Court of Record, and shall also have and execute within the limits of his jurisdiction all the powers and authorities given to the Commissioners of Bankrupts by an Act passed in the sixth year of the reign of his Majesty King GEORGE the Fourth, intituled, " An Act to amend the Laws relating to Bank-

ruptcy," and by the said recited Act of the first and second years of His present Majesty, and by this Act; and all Fiats in Bankruptcy that would now be directed to Commissioners acting within the jurisdiction of any Commissioner appointed by this Act, may be directed to such Commissioner.

138. Registrars. And be it Enacted, That for each of the said Commissioners it shall be lawful for His Majesty to appoint one fit and proper Person to be the Registrar of the Court.

139. Messengers. And be it Enacted, That each of the said Commissioners shall and may appoint One fit and proper Person to be the Messenger, and one fit Person to be Usher of the Court to be holden by the said Commissioner.

140. Removal of Officers. And be it Enacted, That the said Commissioners and the said Registrars shall hold their Offices as long as they shall well behave themselves therein, and that the Commissioners shall not be removed therefrom, unless the Two Houses of Parliament shall present a joint Address to His Majesty, praying for such removal.

141. Removal of inferior Officers. And be it Enacted, That the said Messengers and Ushers shall hold their Offices during the pleasure of the said Commissioners respectively, and that the said Messengers and Ushers may be removed from their Offices by the said Commissioners in a summary manner, and without any reason being assigned.

142. Oath. And be it Enacted, That each of the said Commissioners before entering upon the execution of his Office shall take an Oath in the following Form before any Judge of the Superior Courts at Westminster, or before Justices at any of the Quarter Sessions, who are hereby authorized to administer the same:

> " I, *A. B.*, do solemnly swear, That I will faithfully, and to the best of my ability, execute the office of
> for the [*here specify the County, &c. for which the Judge is appointed*], and administer justice equally, without fear, favour or affection.
>
> " So help me GOD."

143. Registrar's Oath. And be it Enacted, That every such Registrar shall be sworn in open Court before the Commissioner faithfully to execute his Office in the following Form; (that is to say)

> " I, *C. D.*, do swear, That I will faithfully and to the best of my ability execute the office of Registrar [*or*, Clerk] of this Honourable Court.
>
> " So help me GOD."

And

144. Salaries.

And be it Enacted, That from the commencement of this Act there shall be paid and payable out of "the Fee Fund" the yearly sums hereinafter mentioned:

To each Usher the sum of
To each Registrar the sum of
To each of the Commissioners the sum of

which said sum shall be paid from time to time quarterly, free and clear from all Taxes and Deductions whatsoever, on the day of , the day of , the day of , and the day of , in every year by equal portions; the first payment thereof respectively to be made on the day of ; and that if any Person for the time holding the said Office shall die, resign or be removed from the same, the executor or administrator of the Person so dying or the Person so resigning or being removed shall be entitled to receive such proportionate part of his Salary as shall have accrued during the time that such Person shall have executed his Office since the last payment, and that the successor of any such Person so dying, resigning or being removed as aforesaid shall be entitled to receive such portion of his Salary as shall be accruing, or shall accrue, from the day of such Death, Resignation or Removal.

145. Fees.

And be it Enacted, That no Person appointed to any Office under this Act shall demand or take, upon any pretence whatsoever, any Fee, Gratuity or Emolument, other than and except such Fees as shall be allowed by this Act; and if any such Person shall offend in that behalf, he shall lose such Office as he may hold under the authority of this Act, and be disabled from ever again holding the same or any other Office under this Act, or any other Office under the Crown.

146. Clause (SS.) Court of Review may invest unclaimed Money, and apply Profit to Fee Fund.

AND whereas it may happen that Money may remain which has not been claimed by the Creditors of a Petitioner; BE it Enacted, That it shall and may be lawful for the Court of Review to cause the same or any part thereof to be invested in Government Securities, and to apply the Interest and Profit arising therefrom to the credit of the Accountant-General, to the credit of the Fee Fund: Provided always, That no such Money shall be so invested until the same shall have been unclaimed for twelve months at the least.

147. Fees payable to a Fund.

And be it Enacted, That all Fees payable by any of the Acts of Parliament relating to Bankruptcy (except the Fees applicable to the Compensation Fund), or by this Act, except such as are payable to Messengers and Attornies, shall, after the commencement of this Act, be paid to the Registrars, and shall be by them paid to the Accountant General to the credit of a Fund, to be called "THE FEE FUND."

148. Attornies, Advocates, &c.

And be it Enacted, That any Persons admitted Barristers-at-Law may practise as Advocates before the said Commissioner, and any Persons admitted Attornies of any of the Superior Courts at *Westminster* or of the Counties Palatine shall be Attornies of the Court of the Commissioners, and may practise as Advocates, Attornies or Agents before the said Commissioners; but no Attorney or Agent so practising shall, on any pretence whatever, demand or take more by way of Fees for work by him done than according to a Table of Fees, from time to time to be settled by the Judges of the Court of Review, as hereinafter mentioned; and if any Attorney or Agent so practising shall offend in that behalf, it shall be lawful for the said Court of Review to examine the charge against him made by any Person of whom he may have demanded or received such Fee, which Court shall inquire into the same, in the same manner as such Court is now by law authorized to do in the case of other offences committed by Attornies, and may, on satisfactory proof of such charge, strike him off the Roll of Attornies of such Commissioners' Court.

149. Publication of Fees.

And be it Enacted, That a Table of all Fees authorized for the time being to be taken by any Officers of or Attornies practising in the Courts of the Commissioners shall be hung up in some conspicuous place in every such Court.

150. London Commissioners.

And be it Enacted, That all the powers of this Act given to any Commissioners shall be exercised and performed by the Commissioners of His Majesty's Court of Bankruptcy within the distance of Forty Miles from *London*, and the Registrars appointed under the said Act of the first and second year of the reign of His present Majesty, shall attend upon and assist the Commissioners in the execution of this Act.

151. Commissioners of Court of Bankruptcy to perform all powers given by this Act.

And be it Enacted, That it shall and may be lawful for any One or more of the Commissioners of His Majesty's Court of Bankruptcy, and each of the other Commissioners appointed under this Act, to have, perform and execute, within the limits of their respective jurisdictions, all the powers, duties and authorities given by the said Act passed in the sixth year of the reign of his Majesty King GEORGE the Fourth, and by the said Act passed in the first and second years of His present Majesty, and by this Act and all the powers exercised by the Court of Review, and to enforce all such orders by imprisonment within any Gaol within their jurisdiction.

152. Appeal in case of Bankruptcy or cessio Bonorum.

And be it Enacted, That if either Party in any matter before any Commissioner shall be dissatisfied with any determination of such Commissioner, he may appeal from the same to the Court of Review, provided that he shall, within Ten Days after such determination or direction, give Notice of such Appeal to the other Party or his Attorney

Attorney, and also give security, to the satisfaction of the Registrar of the Commissioner for the Costs of Appeal and for the performance of the Order to be made upon such Appeal.

153. Case agreed on.

And be it Enacted, That such Appeal shall be in the form of a Case agreed on by both Parties or their Attornies; and if they cannot agree, the Commissioner, shall settle the Case, and sign it; and such Case shall be transmitted by the Appellant to the principal Registrar of the Court of Review.

154. Appeal to Chancellor.

And be it Enacted, That if either Party shall be dissatisfied with the decision of the Court of Review, such Party may appeal from the same to the Lord Chancellor, provided that such Party shall, within One Month after such determination, give Notice of such Appeal to the other Party or his Attorney, and also give Security for the Costs of such Appeal, in addition to the Security already given, such Security to be approved by the Chief Registrar of the Court of Review.

155. Fees to be paid into Bank of England.

And be it Enacted, That the Registrar of each Commissioner shall receive the Fees mentioned in Schedule (A.), and shall from month to month pay the same into the Bank of *England*, to the credit of the Accountant General on account of the Fee Fund; and all Fees received under Commissions and Fiats of Bankruptcy shall be paid to the like account, except the Fees applicable to the Compensation Fund.

156. Clause (*b*) Deed of Arrangement executed by 7-8ths in number and value, binding on all Creditors of a Trader.

AND whereas it is expedient that such arrangements between Traders liable to become Bankrupts and their Creditors as may be approved of by a proper majority of such Creditors, should be encouraged, and that a small number of dissenting Creditors should not be enabled to frustrate such arrangemens; BE it therefore Enacted, That every Deed of Arrangement (whether by trust, composition, inspection or otherwise) duly executed by or on behalf of Seven-eighths in number and value of such Trader's Creditors, touching such Trader's debts and liabilities and his release therefrom, and the distribution, inspection, conduct and management of his estate, or all or any of such matters or any matters having reference thereto, shall be as effectual and obligatory in all respects upon all the Creditors who shall not have executed, as if they had duly executed the same; and such Deed, when so executed, shall not be or be liable to be disturbed or impeached by reason of any prior or subsequent act of Bankruptcy, nor shall the execution thereof by the Trader be deemed an act of Bankruptcy.

157. Clause (*c*.) The Court of Review may make an order for an injunction or other order on a Petition,

And be it further Enacted, That it shall be lawful for the Court of Review, or a Judge thereof, upon the Petition in writing of any such Trader or of any of his Creditors, founded upon such affidavit as the said Court or Judge shall deem sufficient, and showing that Seven-

showing assent of 7-8ths in number and value of Creditors resident in United Kingdom.

eighths in number and value of his Creditors resident in the United Kingdom have assented to any Deed or Memorandum of Arrangement, and setting forth the terms or heads of such Deed or Memorandum of Arrangement, to order a Writ of Injunction, to issue under the seal of the said Court, to restrain any Creditor from taking or continuing any proceedings against the said Trader for such time as the said Court or Judge shall think fit, and also to renew or rescind such Writ of Injunction, if the same shall appear necessary, and to make every such order and exercise every such jurisdiction in or over the matter of the said Petition, and the rights and claims of the said Trader and his Creditors, and all costs and expenses which shall be incurred by them respectively in the said Court, or otherwise, as to the said Court or Judge shall appear right; and further, that if the Trustees or Trustee, or Inspectors or Inspector, for the time being of such Deed of Arrangement as aforesaid, shall be satisfied that Seven-eighths in number and value of the said Creditors shall have duly executed the said Deed, it shall be lawful for such Trustees or Trustee, Inspectors or Inspector, to certify the same in writing, and such Certificate shall be lodged with the Registrar of the said Court of Review, together with a List of all the Creditors of the said Trader (distinguishing those who have executed the said Deed from those who have not executed the same); and such Certificate shall thereupon be *primâ facie* evidence that the said Deed of Arrangement has been duly executed by Seven-eighths in number and value of the said Creditors according to the meaning of this Statute; and such Certificate shall be three times successively published in the *London Gazette*; but any Creditor or other Person whom the same may concern shall be at liberty by sufficient evidence to prove the contrary within Three Months after the last of such insertions.

The Certificate of the Trustees or Inspectors as to the proper number having executed, to be primâ facie evidence.

158. Clause (*d.*) List of Debts to be filed in the Court of Review.

And be it further Enacted, That any Trader who shall seek to take the benefit of such part of this Act as relates to such Deeds of Arrangement as aforesaid, shall lodge with the Principal Registrar of the Court of Review a list of all debts due or growing due by him, accompanied by an affidavit, verifying, to the best of the Trader's knowledge and belief, the amount thereof, and stating which of the Creditors are resident in the United Kingdom and which are resident abroad, and that the same shall be filed in the said Court of Review; and that any omission in the said list which shall appear to the said Court to have been made through the culpable negligence or fraud or evil intention of such Trader, shall deprive such Trader of the benefit of all the provisions made for his relief and discharge in any such deed as aforesaid; but any omission or incorrectness in the amount of the debts in the said list, as to other persons, shall not defeat or otherwise affect such deed.

Fraud or negligence in any omission, to deprive the Trader of all benefit.

And

159. Clause (e.) Every Creditor to have the same rights as under a Fiat of Bankruptcy; and not to be prejudiced as to third Persons. Debts within the meaning of this Act.

And be it further Enacted, That all Creditors of a Trader taking the benefit of such parts of this Act as relates to such Deeds of Arrangement as aforesaid, shall have the same rights respectively as to set off, mutual credit, lien and priority, and joint and separate assets shall be distributed in like manner as under a Fiat in Bankruptcy; and no Creditor shall be prejudiced or affected by being a party to such Deed, or by such Deed being obligatory upon him as to his right or remedy against any Person other than such Trader; and every Person who could be entitled to prove under a Fiat in Bankruptcy against any such Trader, shall be deemed a Creditor within the meaning of this Statute.

160. Clause (f.) All Persons and matters within this part of this Act to be under the jurisdiction of the Lord Chancellor and Court of Review.

And be it further Enacted, That every Trader, Creditor and other Person who shall take the benefit of such part of this Act as relates to such Deeds of Arrangement as aforesaid, or shall do or assent to any thing in pursuance thereof, or on whom such Deed of Arrangement as aforesaid shall be, or appear to be, obligatory as herein provided, or who shall claim or withhold any real or personal estate, right or interest which shall actually or apparently belong to such Trader, or be liable to be distributed among his Creditors, and also every agreement, deed, composition, arrangement, act, matter and thing whatsoever entered into, executed or done, under or in pursuance of such part of this Act as aforesaid, or to which such part of this Act as aforesaid shall extend, or which shall relate to any Trader taking the benefit of such part of this Act as aforesaid, or to his Estate, shall be under the jurisdiction of the Court of Review, and amenable accordingly on Petition or Motion made to the said Court, which shall make such order therein as to the said Court shall seem just.

161. Dispensing with attendance of Chief Registrars to produce proceedings in Bankruptcy.

WHEREAS it is inconvenient that the attendance of the Deputy Registrars of the Court of Bankruptcy should be required for the purpose of producing Proceedings in Bankruptcy, or Proceedings in *cessione Bonorum*, or Trials of Actions at Law; BE it Enacted, That when the production of any proceedings in Bankruptcy, or in *cessione Bonorum* kept in the Court of Bankruptcy, is required on the Trial of any Action at Law, a Notice in writing, directed to the Chief Registrar of the Court of Bankruptcy, stating what Proceedings, on what Trial, and the time when and where such Proceedings are required to be produced, shall be left by the Party or his Attorney or Agent, requiring the production of such Proceedings, a reasonable time before such Trial, at the Office of the chief Registrar of the Court of Bankruptcy in *Basinghall-street*, together with such reasonable Expenses as is now by law required upon service of a Subpœna to a Witness in an Action at Law: Provided always, That upon such Notice being so left as aforesaid, the personal attendance of such Chief Registrar shall not be required; but any proceedings in Bankruptcy or in *cessione Bonorum*

required to be produced by such Notice as aforesaid, for the purpose of being given in evidence on the Trial of any Action at Law, shall and may be produced by any Clerk of such Chief Registrar, by him deputed in that behalf.

162. Commissioners to make out List of Fees.

And be it Enacted, for the carrying the provisions of this Act into effect, the Commissioners of His Majesty's Court of Bankruptcy shall and may, subject to the sanction and confimation of the Court of Review, make out a List of Fees to be demanded under this Act; and also to prepare, subject to the like sanction and confirmation, a set of Forms, to be applied and used in proceedings under this Act, and also such Rules and Regulations as may be necessary for carrying this Act into effect; and that such Fees shall be paid, such Forms used, and such Rules and Regulations observed until further provision be made by authority of Parliament.

163. Clause (TT.) Office Copies made Evidence.

Costs of producing original Instruments, when not allowed.

And be it Enacted, That in every Action, Suit or Issue, Office Copies of any original Instrument or Writing, filed in the Court of the Commissioner, shall be Evidence to be received of every such original Instrument or Writing respectively; and if any such original Instrument or Writing shall be produced on any Trial, the Costs of producing the same shall not be allowed on taxation, unless it appears that the production of such original Instrument or other Writing was necessary.

164. Clause (UU.) Preservation of the Records.

Be it Enacted, That all the Records, Papers and Documents belonging to the different Courts of the Commissioners, shall be in the custody of the Registrars of the said Courts.

165. Clause (XX.) Court of Review may authorize one Commissioner to act for another.

And be it Enacted, That it shall be lawful for the Court of Review, by order in writing, to license and authorize one or more of the Commissioners to act and exercise all the authority hereby given, for another Commissioner named in such order, for such time as shall be specified in such order, for reason specified in such Order; and such Order shall be filed in the Court of the Commissioner for whom such other Commissioner or Commissioners is or are thereby so authorized to act.

166. Clause (YY.) Commissioners and Officers under this Act ineligible to sit in Parliament.

And be it Enacted, That no Commissioner, Registrar, Official Assignee or other Officer to be appointed by virtue of this Act, shall during their respective continuance in such Offices be capable of being elected or of sitting as a Member of the House of Commons.

167. Clause (ZZ.) Officers exempt from serving on Juries.

And be it Enacted, That no Registrar, Official Assignee, or other Officer to be appointed under this Act, shall be compellable to serve as a Juryman on any Inquest or Trial whatsoever.

And

168. Clause (AAA.) Restriction as to Judges and other Officers practising as Barristers, or being Attornies.

And be it Enacted, That no Commissioner or Registrar appointed by this Act shall during their respective continuance in such Offices, practise as a Barrister, Attorney or Solicitor.

169. Clause (BBB.) Penalty on any Officer taking Fees.

And be it Enacted, That if any Commissioner, Registrar, Clerk, Messenger, Assignee or any other Officer or Person whatsoever shall, for any thing done or pretended to be done under this Act, or any other Act relating to Bankrupts, or under colour of doing any thing under this Act or any other such Acts, fraudulently and wilfully demand or take, or appoint or allow any other person to take for him or on his account, or for or on account of any other person by him named, any fee, emolument, gratuity or sum of money, or any thing of value whatsoever other than is allowed by this Act, and any other such Act as aforesaid, such Person when duly convicted thereof shall forfeit and pay the sum of Five hundred Pounds, and be rendered incapable, and is hereby rendered incapable of holding any Office or Place whatsoever under His Majesty, His Heirs or Successors.

170. Clause (g.) Lords Commissioners of Treasury empowered to award Compensation.

And be it further Enacted, That it shall be lawful for the Lords Commissioners of His Majesty's Treasury for the time being, or any Three or more of them, and they are hereby required, within the space of Twelve calendar Months next after the passing of this Act, by examination on oath or otherwise, which oath they and each of them are and is hereby authorized to administer, to ascertain if any, and if any, what compensation ought to be made to all or any Officer who may claim compensation for any loss alleged to have been sustained by them by reason of this Act, the said Commissioners having regard to the conditions on which the appointment of any such Officer was made, or to any notice which at the time of such appointment may have been given to such Officer, that such Office was to be holden subject to any provision by Parliament for the abolition or regulation thereof; and that in all cases in which it shall appear to the said Lords Commissioners that compensation ought to be granted, it shall be lawful for the said Lords Commissioners, or any Three or more of them, by warrant under their hands, to order and direct that such annual or other compensation shall be made to the persons so claiming such compensation as aforesaid, or any of them, as to the said Lords Commissioners in their discretion shall seem just and reasonable; and all such compensations, whether annual or in gross, shall be issued and paid and payable out of the said Fee Fund.

171. Construction of Act.

And be it Enacted, That this Act shall be construed beneficially for Creditors, and that it shall extend to Aliens, Denizens and Women, both to make them subject thereto and to entitle them to all the benefits given thereby; and all Powers given to, or Duties directed to be performed by

the Lord Chancellor, may be performed by the Lord Keeper or Lords Commissioners of the Great Seal; and all powers given to or directed to be performed by the Assignees, may be exercised and shall be performed respectively by the major part of such Assignees, or by one Assignee, where only one shall have been chosen; and that wherever this Statute hath used words importing the singular number or the masculine gender only, it shall be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction; and that this Act shall not extend either to *Scotland* or *Ireland*, except where the same are expressly mentioned.

172. Clause (CCC.) Act may be altered in present Session.

And be it Enacted, That this Act may be amended, altered or repealed during the present Session of Parliament.

173. Commencement of Act.

And be it Enacted, That this Act shall commence and come into operation on the First day of January One thousand eight hundred and Thirty-six.

5 Will. IV.—Sess. 1835.

A

B I L L

[AS AMENDED ON RE-COMMITMENT]

For facilitating the Recovery of Debts, the Relief of Debtors willing to make Cession of their Property for the payment of their Debts, the Prevention of Frauds by Debtors, and for abolishing Imprisonment for Debt, except in cases of Fraud.

(*Prepared and brought in by Sir John Campbell and Mr. Hawes.*)

Ordered, by The House of Commons, *to be Printed,* 5 *June* 1835.

272.

26 *June* 1835.

IV.

A

B I L L

For the more effectual Recovery of Small Debts, and for diminishing the Expenses of Litigation in Causes of small Amount in the Sheriff Courts in Scotland; and to constitute and regulate Small Debt Circuit Courts in each County thereof.

[Note.—The Words printed in *Italics* are proposed to be inserted and the Blanks filled up in the Committee.]

WHEREAS an Act was made in the tenth year of his late Majesty, intituled, "An Act for the more effectual recovery of Small Debts, and for diminishing the Expenses of Litigation in Causes of small amount in the Sheriff Courts of Scotland," the provisions of which have been found beneficial; but experience has pointed out certain alterations by which its benefits will be extended and rendered more effectual, and particularly that the value of the sum or subject competent to be brought before the Sheriff under said Act ought to be extended, and that the Sheriff ought to be obliged to hold periodical Circuit Courts in different places of his county for the trial of causes brought under the said Act; and it is expedient that such alterations and the former provisions should be consolidated in one Act; Preamble. 10 Geo. 4. c. 55.

BE it Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the said recited Act shall be and the same is hereby repealed from and after *the first day of next*, save and except as to such causes as shall have been commenced under the authority of the said recited Act before the said *first day of next*, and shall be then depending; all which causes shall be carried to a conclusion, according to the rules prescribed by the said Act, notwithstanding this Act. 1. Recited Act repealed, after 1st next, except as to causes then commenced.

2.

Sheriffs may hear and determine causes for Sums not exceeding 10 *l.* sterling in a summary way.

And be it Enacted, That from and after *the said first day of next*, it shall be lawful for any Sheriff in Scotland, within his county, to hear try and determine in a summary way, as more particularly hereinafter mentioned, all Civil Causes, and all prosecutions for statutory penalties, that may now, or any time hereafter, be competently brought before him, including actions of multiple-poinding and all maritime actions, wherein the debt, demand, or penalty concluded for shall not exceed the value of *Ten* Pounds sterling, exclusive of expenses and fees of Extract: Provided always, That the Pursuer or Prosecutor shall in all cases be held to have passed from and abandoned any remaining portion of any debt, demand, or penalty beyond the sum actually concluded for in any such cause or prosecution; but actions of forthcoming, multiple-poinding and mails and duties, shall be regulated by the amount of the fund in medio, the sum in the hands of the arrestee, or the rents in the hands of the tenants, and not by the amount of the debts of the claimants thereon.

3.

Providing forms of proceedings.

And be it Enacted, That all such Causes and Prosecutions wherein the debt, demand, or penalty concluded for shall not exceed the value of *Ten* Pounds sterling as aforesaid, shall proceed, except as hereinafter provided in regard to forthcomings and multiple poindings, upon summons or complaint, agreeably to the form in Schedule (A.) subjoined to this Act, stating shortly, the origin of debt, or ground of action, and concluding against the Defender; which summons or complaint, being signed by the Sheriff's Clerk, shall be a sufficient warrant and authority to any Sheriff's officer for summoning the Defender to appear and answer at the next Sheriff's Court after the date of the citation, not being sooner than upon the sixth day after such citation, and also for summoning such witnesses and havers as either party shall require; and a copy of the said summons or complaint, with the citation annexed, and also a copy of the account or voucher of debt, if any, shall be served at the same time by the Sheriff's officer on the Defender personally, or at his dwelling-place; and the officer summoning parties, witnesses or havers, shall in all cases under this Act return an execution of citation signed by him, or shall appear and give evidence on oath of such citation having been duly made, and all such citations given by an officer alone without witnesses, and executions thereof subscribed by such officer, shall be good and effectual to all intents and purposes.

4.

Where Action originally raised for higher sum than 10 *l.* but reduced to a sum not exceeding 10 *l.* or where the Expenses only in dispute, the Action may be remitted to Small Debt Court.

And be it Enacted, That in any Cause before the Sheriff Ordinary Court, in which the sum or subject in dispute concluded for in the complaint, was higher than *Ten* Pounds sterling, but from admission of parties, Interim Decree, or otherwise, shall be reduced to a sum or value not exceeding *Ten* Pounds sterling, or the expenses of process remain only to be decided, but cannot be determined without further investigation or proof, the Sheriff may remit such Causes to his Small

Small Debt Court Roll, to be disposed of in the summary manner provided for by this Act; and Decree and Warrants may competently be given in terms of this Act for the sum or subject admitted, and for the sum or subject disputed, notwithstanding when both are added together the sum or value may exceed *Ten* Pounds sterling.

5. Recovery of rents not exceeding 10*l.*

And be it Enacted, That it shall be competent for the Sheriff to hear all applications for Sequestrations, and sale of a tenant's effects, where the rent, exclusive of interest and expenses, does not exceed *Ten* Pounds sterling, in the summary form provided by this Act, and Warrant of Sequestration shall be in the form set forth in Schedule (B.) annexed to this Act; and the tenant shall be cited, in manner foresaid, on an induciæ of not less than *Three* Days; and on such hearing the Sheriff shall issue or refuse the warrant of sale in whole or in part, and if the same be granted, it shall be carried into effect and reported within *Six* Days after the sale.

6. Sist of diligence on registered obligations for sums not exceeding 10*l.*

And be it Enacted, That it shall be competent for Sheriffs on the application of the Debtor, to sist and interdict, all diligence on registered bills, bonds or other obligations, where the sum charged to be paid, exclusive of interest and expenses, does not exceed *Ten* Pounds sterling, where such diligence proceeds from his own Court, or any Court situated within his county and jurisdiction, and the sist and warrant or summons to cite the Charger, shall, in the ordinary case, be in the form in Schedule (C.) to this Act subjoined; but if the Charger be resident beyond the Sheriff's jurisdiction, then he may be cited by indorsation of the warrants, in manner hereinafter provided: Provided always, That no such sist or interdict shall be granted, unless the application be accompanied with consignation of the sum charged for, and *Two* Pounds sterling to cover expenses; and such sist and interdict, shall proceed and be decided on in the summary manner prescribed by this Act, and the charge of payment and diligence on which the same proceeds shall be suspended in whole or in part, or the sist and interdict recalled and discharged in whole or in part, and the necessary expenses attending the proceeding, awarded against the party found in the wrong.

7. Arrestment of goods of Defender.

And be it Enacted, That the Pursuer of any civil cause may obtain a warrant, signed by the Sheriff Clerk of the county within which the Defender resides, agreeably to the form in Schedule (D.) subjoined to this Act, for arrestment, on the dependence of the action, of any money, goods or effects to an amount or extent not exceeding the value of *Ten* Pounds sterling, owing or belonging to such Defender, in the hands of any third party, and may at any time before decree is pronounced in the cause, provided, such time does not exceed *Sixty* Days from the date of such warrant, use arrestment thereon against such money goods and effects and maritime subjects owing or belonging to such Defender, either

Number of Causes in Roll.

either within the county in which such warrant shall have been issued, or in any other county or counties, excepting always the wages of workmen paid oftener than once a month, and not exceeding *Three* Pounds in the month: Provided always, That before using such warrant in any other county it shall be presented to and indorsed by the Sheriff Clerk of such other county, who is hereby required to make such indorsement on payment of the fee hereinafter mentioned: And provided also, That any arrestment laid on under the authority of this Act shall, on the expiry of *Three* Months from the date thereof, cease and determine without the necessity of a decree or warrant of loosing the same, unless such arrestment shall be renewed by a special warrant or order, duly intimated to the arrestee, in which case it shall subsist and be in force for the like time and under the like conditions as under the original warrant, or unless an action of forthcoming, in manner hereinafter provided, shall have been raised before the expiry of the said period of *Three* Months, in which case the arrestment shall subsist and be in force until the termination of such action of forthcoming.

Workmens' wages exempted.

8. For providing how Arrestments may be loosed.

And be it Enacted, That when any Arrestment shall have been used on the dependence of any action, it shall be competent to the Defender to have such Arrestment loosed on lodging with the Sheriff Clerk of the county in which such Arrestment shall have been used, a Bond or Enactment of Caution, by one or more good and sufficient Cautioners, to the satisfaction of such Sheriff Clerk, agreeably to the form in Schedule (D.) subjoined to this Act, or on consigning in the hands of such Sheriff Clerk the amount of the debt or demand, and a reasonable sum for expenses, or on producing to such Sheriff Clerk evidence of the Defender having obtained decree of absolvitor in the action, or of his having paid the sums decerned for, or of his having consigned in the hands of the Clerk of the Court in which the action depended, the sums decerned for, or the amount of the debt or demand, and a reasonable sum for expenses, when no Decree has yet been pronounced; and a Certificate by the Sheriff Clerk of the county in which such Arrestment shall have been used, of a Bond or Enactment of Caution to the extent of the debt or demand, and expenses, having been lodged with him, or of consignation as above provided having been made in his hands, shall be a sufficient authority for obtaining a Warrant for loosing any other Arrestment used on the dependence of the same action, without any other caution being found, or any other consignation being made by the Defender.

9. Rendering Arrestments effectual.

And be it Enacted, That any Person entitled to pursue an action of forthcoming, where the sum or demand made against the Arrestee or Arrestees shall not exceed the value of *Ten* Pounds sterling, exclusive of expenses and fees of Extract, shall proceed by Summons or Complaint agreeably to the form in Schedule (E.) subjoined to this Act, concluding for payment of the sum for which Arrestment has been used,

or

or for delivery of the goods and effects arrested, which Summons or Complaint, being signed by the Sheriff Clerk of the county in which the Arrestee resides, shall be a sufficient warrant and authority to any Sheriff's officer for summoning the Arrestee and the common Debtor to appear and answer at a Sheriff Court of the county in which the Arrestee resides, the same not being sooner than the sixth day after the date of citation, and also for summoning witnesses and havers for all parties; and in the event of the common Debtor not residing and not being found within the county in which such action of forthcoming shall be brought, he may be cited in any other county on the said Warrant, the same being first presented to and indorsed by the Sheriff Clerk of such other county, who is hereby required to indorse the same on payment of the fee hereinafter mentioned, to appear at a Sheriff Court in the county in which the Arrestee resides, the same not being sooner in such case than on the twelfth day after the date of citation: Provided always, That the Arrestee and the common Debtor shall be cited to appear on the same Court day, and that a copy of the said Summons or Complaint, with the citation annexed thereto, shall be served by a Sheriff's officer on every Defender personally, or at his dwelling-place, all in the same manner as to Citation as hereinbefore provided in other causes and prosecutions under authority of this Act, but always allowing to a party cited to appear in the Sheriff Court of a different county from that in which the citation shall be given double the time required by this Act to be allowed to a party cited to appear in the Sheriff Court of the county within which the citation shall be given.

10. Actions of Multiple-poinding.

And be it Enacted, That any Person holding a sum or subject, not exceeding the value of *Ten* Pounds sterling, which is claimed by more than one party under arrestments, or otherwise, he shall proceed by Summons or Complaint, agreeably to the form in Schedule (F.) subjoined to this Act, and the claimants and common Debtor shall be cited in manner directed to be followed in actions of forthcoming brought under this Act.

11. Length of Sittings of Court.

And be it Enacted, That all Small Debt Courts held under this Act, shall sit from *Ten* of the clock in the forenoon to *Five* of the clock in the afternoon, whenever business requires such length of sitting, and that no new cause shall be called after the said last-mentioned hour, and as nearly as possible the Roll shall be made up to suit the length of the sitting, and shall, in no event, exceed one hundred Causes for each day; and all Causes on the Roll and not disposed of shall be heard on the next following day, so that two days, or more if necessary, each week during Session shall be occupied in the trial of Small Debt Causes, so as thereby to ensure the full, patient and deliberate hearing and consideration of the Causes brought before the Court.

Number of Causes on the Roll.

12. Counter claims.

And be it Enacted, That where any Defender intends to plead any account or claim in compensation against the account or claim sued for, the Defender shall serve a copy of such counter account or claim by an Officer of Court on the Pursuer, *Two* free days before the day of appearance, otherwise the same shall not be heard or allowed to be pleaded in compensation, but action shall be reserved for the same.

13. Compelling attendance of Witnesses.

And be it Enacted, That every Officer of Court, to whom any Warrant as aforesaid for citing witnesses and havers shall be entrusted, shall cite such witnesses or havers as any party shall request; and all such Warrants shall have the same force and effect in any other county as in the county where they are originally issued, the same being first presented to and indorsed by the Sheriff Clerk of such other county, who is hereby required to indorse the same, on payment of the fee hereinafter mentioned; and if any witness or haver, cited on a notice of at least *Two* Days, shall fail to appear, it shall be competent to any party for whom such witness or haver is summoned, to apply for a new Warrant to compel his attendance at the next Court, or any subsequent Court to which the case may be adjourned; which Warrant shall require him to attend to give evidence, under a penalty not exceeding *Forty* Shillings, unless a reasonable excuse be offered and sustained; and every such penalty shall be paid to the Party applying for the new Warrant as aforesaid, and shall be recovered in the same manner as other penalties under this Act, without prejudice always to letters of second diligence, for compelling witnesses and havers to attend as at present competent; and it shall be no objection to any witness that such witness has appeared without citation, or without having been regularly cited.

14. Remits to examine parties, &c.

And be it Enacted, That where it is established to the satisfaction of the Sheriff that parties or witnesses are unable to attend any of the Small Debt Courts by reason of old age, sickness, or other good and unavoidable cause, the Sheriff, without the necessity of making up or closing a record, may, if he see cause, for the ends of justice, remit to any Person competent, to take and report, in writing, the declarations, oaths and examinations of such parties or witnesses; and the expenses of such remits the Sheriff may allow and decern for against either party, regard being had to the amount or value of the sum or subject in dispute, in modifying such expense; and in like manner the Sheriff may remit to any scientific or professional Person, to report on oath, on any point of practice or other matter, due regard being in like manner had to the modification of the expenses thereby incurred in relation to the amount or value of the sum or subject in dispute; and the Sheriff, when he sees cause, may order any other party having, or pretending to have, interest in the matter at issue, to be called for his interest, and grant incident diligence to that effect; and the said party shall be cited in the same manner as hereinbefore

hereinbefore directed with regard to a party originally called as a Defender.

15. Hearing and judgment.

And be it Enacted, That when the parties shall appear they shall produce their respective accounts and vouchers, and the Sheriff shall hear them viva voce, and examine witnesses or havers upon oath and may also examine the Parties, and may put them or any of them upon oath, and may pronounce judgment; and the Decree stating the amount of the expenses, if any, found due to any party, (which may include personal charges, if the Sheriff think fit,) and containing Warrant for Arrestment and for poinding and imprisonment, shall be annexed to the Summons or Complaint, and on the same paper with it, agreeably to the form in Schedule (A.) subjoined to this Act; which Decree and Warrant, being signed by the Clerk, shall be a sufficient authority for instant Arrestment (excepting as to workmen's wages to the extent aforesaid), and also for poinding and sale and imprisonment, *Six* free Days from the date of the Decree, if the party against whom it shall have been given was personally present when it was pronounced, but if he was not so present, poinding and sale and imprisonment shall only proceed after a charge of *Six* free Days, by serving a copy of the Complaint and Decree on the party personally or at his dwelling-place; and if any Decree shall not be enforced by poinding or imprisonment within a year from the date thereof, or from a charge for payment given thereon, such a Decree shall not be enforced without a new charge duly given as aforesaid.

Arrestment.

16. Procurators may appear and plead, &c.

And be it Enacted, That either party may take the aid of a regularly admitted Procurator or Agent before the Sheriff Court, in any case under this Act; provided that if the Pursuer intend to take such professional aid he shall give notice on the copy served on the Defender, and where the Pursuer has not given such notice, but the Defender intends to avail himself of such assistance, then the Defender shall give such notice thereof, by post, where the Pursuer resides within the same post-town, or if not so resident, shall cause such notice to be delivered to him *Two* free Days before the Court-day; and further providing that the whole fees to be paid to the Agent shall not exceed *One* Shilling each Pound on the amount of the sum or value of the subject in dispute: Provided always, That when the Sheriff shall see cause to order any pleadings, arguments, minutes or evidence to be reduced to writing, every case in which such order shall be made shall be remitted to the ordinary action Roll, and thenceforth be conducted according to the ordinary forms and proceedings in civil causes, and in prosecutions for statutory penalties, and shall be disposed of in all respects as if this Act had not been passed.

17. Parties not appearing or making sufficient excuse, to be held confessed.

And be it Enacted, That any Defender who has been duly cited personally, or at his dwelling-place, failing to appear personally or by one of his family, or by such Person as the Sheriff shall allow, shall be held

held confessed, and the other Party shall obtain Decree against him; and in like manner, if the Pursuer or Prosecutor shall fail to appear personally, or by one of his family, or such Person as the Sheriff shall allow, the Defender shall obtain Decree of Absolvitor, unless in either case a sufficient excuse for delay shall be stated; on which account, or on account of the absence of witnesses, or any other good reason, it shall at all times be competent for the Sheriff to adjourn any case to the next or any other Court-day, and to ordain the parties and witnesses then to attend, without any new citation, and with power to require the personal attendance of either party whenever the ends of justice require such attendance.

18. Recall of decrees in absence.

And be it Enacted, That where a Decree has been pronounced in absence of a Defender, it shall be competent for him, upon consigning the sum decerned for in the hands of the Clerk, at any time before implement of the said Decree, to obtain from the Clerk a Warrant, signed by him, sisting execution till an early Court-day, and to any subsequent Court-day to which the same may be adjourned, and containing authority for citing the other party and witnesses and havers for both parties; and it shall be competent, on such consignation, for the Sheriff to grant warrant of liberation from prison, should the Defender be imprisoned on such Decree, and to interdict a sale of his effects should poinding have followed on such Decree and not been completed by sale; and the Clerk shall be bound to certify to the Sheriff on the next Court-day every such application and sist granted; and such Warrant being duly served upon the other party personally or at his dwelling place, in the manner provided in other cases by this Act, shall be an authority for hearing the Cause; and in like manner, where absolvitor has passed in absence of the Pursuer or Prosecutor, it shall be competent for him, at any time within *One* calendar Month thereafter, upon consigning in the hands of the Clerk the sum awarded (if any) by the Sheriff in his Decree of Absolvitor as the expenses for the Defender and his witnesses, to obtain a Warrant, signed by the Clerk, for citing the Defender and witnesses for both parties, which Warrant, being duly served upon the Defender personally, or at his dwelling-place, in the manner provided in other cases by this Act, shall be an authority for hearing the Cause, as hereby provided in the case of a hearing at the instance of the Defender; the said sum of expenses awarded by the Sheriff and consigned as aforesaid, being in every case paid over to the Defender, unless the contrary shall be specially ordered by the Court; and all such Warrants for hearing shall be in force, and may be served by an officer of the county where they are issued, in any other county, without indorsation, or other authority than this Act.

19. Books of causes, &c. to be kept.

And be it Enacted, That the Sheriff Clerk shall keep a book, wherein shall be entered all Causes conducted under the authority of this Act, setting forth the names and designations of the Parties, and whether present or absent at the calling of the Cause, the nature and amount of

the

the Claim and date of giving it in, the mode of Citation, the several Deliverances or Interlocutors, and the final Decree, with the date thereof; which book shall be signed each Court day by the Sheriff, and the said entries by the Clerk shall be according to the form in Schedule (G.) subjoined to this Act, or with such addition as the Sheriff shall appoint; and the Sheriff Clerk shall also keep a book or books containing a Register or Registers of all Indorsations of Decrees and Warrants issued in other counties, and of all Warrants of Arrestment on the dependence, and of all loosings of Arrestment, and and of all reports of Poindings and sales of goods and effects arrested, which Registers shall be open and patent, at office hours, to all concerned, without payment of any fees; and the Sheriff Clerk shall cause a copy of the said Roll of Cases to be tried to be exhibited on a patent part of the inside or outside of the Court-house, at Nine of the clock in the morning of the day on which such Court may be held, and which shall continue there during the time the Court is sitting, and that under the same penalty as is hereinafter provided for the non-exhibition of the Table of Fees.

20. Power to direct payment by instalments.

And be it Enacted, That the Sheriff may, if he think proper, direct the sum or sums found due, to be paid by instalments weekly, monthly or quarterly, according to the circumstances of the party found liable, and under such conditions or qualifications as he shall think fit to annex.

21. Decrees may be enforced in any other County.

And be it Enacted, That any Decree obtained under this Act may be enforced against the person or effects of any party in any other county, as well as in the county where the Decree is issued: Provided always, That such Decree, or an extract thereof, shall be first produced to and indorsed by the Sheriff Clerk of such other county, who is hereby required to make such indorsement, on payment of the fee hereinafter mentioned.

22. Appraisement and Sale of Effects.

And be it Enacted, That the poinding and sale shall be carried into effect by the officer in a summary way, by getting the effects poinded duly appraised by two Persons who may also be witnesses to the poinding, and leaving an Inventory or list thereof for the party whose effects are poinded, and carrying such effects either to the nearest market town or to the nearest village, and selling the same to the highest bidder by public roup, between the hours of *Eleven* in the forenoon and *Three* in the afternoon, at the cross or such most public place, on previous notice of at least *Four* Hours by the crier, but reserving to the Sheriff, by such general regulation or special order in any particular case, as he shall think fit, to appoint a different hour or place for the sale, or a longer or different kind of notice to be given of the time of selling; and the overplus of the price, if there shall be any, after payment

ment of the sums decerned for, and the expenses, if expenses are awarded, including what is allowed by this Act for poinding and sale, shall be returned to the owner; or if the effects are not sold, the same shall be delivered over at the appraised value to the Creditor, to the amount of the sum decerned for and expenses, if awarded, and the allowances for poinding and sale; and a report of the poinding and sale and proceeds, or of the delivery of the effects, shall in every case be made by the officer to the Sheriff Clerk within *Eight* Days thereafter, agreeably to the form in Schedule (H.) subjoined to this Act; and where the Sheriff shall order a sale of goods or effects arrested, the same course of proceeding shall be adopted as is above directed in the case of poinding and sale; and no officer to whom the enforcement of Decrees or Warrants, in cases falling under this Act, may be committed, shall be liable to any penalty, fine or punishment for selling goods or effects, under authority of such Decrees or Warrants, by public auction, although such officer may not be licensed as an auctioneer; any thing in any Act or Acts to the contrary notwithstanding.

Officer selling does not require License.

23.

Actions for Damages by riot under 3 G. 4. c. 33, and for recovery of assessments, authorized by 9 G. 4. c. 39. may be determined by this Act.

And be it Enacted, that all actions of damages for compensation for loss or injury by the act or acts of any unlawful, riotous or tumultuous assembly in Scotland, or of any Person engaged in, or making part thereof, authorized to be brought by an Act passed in the Third year of his late Majesty's reign, where the sum concluded for does not exceed *Ten* Pounds sterling; as also all actions for recovery of Assessments by virtue of an Act passed in the ninth year of his late Majesty's reign, intituled, "An Act for the Preservation of the Salmon Fisheries in Scotland," may be heard and determined in the summary way provided by this Act, and this notwithstanding the amount of such assessments shall exceed *Ten* Pounds sterling.

24.

Sheriffs to hold Circuit Courts at least Four times a year.

And be it Enacted, That the several Sheriffs of the several Sheriffdoms in Scotland, shall, in addition to their permanent Small Debt Courts, by themselves or their Substitutes, hold Circuit-Courts for the determination of Small Debt Causes in each of the places mentioned in the Schedule (I.) hereto annexed, at least *Four* times in each year, at such times as they shall deem best and most convenient for the general business of the county, but as nearly as may be at intervals of about *Three* Months, and shall remain at each such place until the Causes ready to be heard shall be disposed of.

24.

His Majesty empowered to change the times or places at which Courts are to be held, or to discontinue the same.

And be it Enacted, That His Majesty, and His Royal Successors, by an order from the Principal Secretary of State for the Home Department, may change the times or places at which Sheriff Circuit Courts for Small Debt Causes are to be held, or to discontinue the same or any part of them in any Sheriffdom in which such Circuit Courts may be found unnecessary or inexpedient; or to direct such Circuit Courts

to

to be held at such places in any Sheriffdom, although not mentioned in the said Schedule (I.) or in such additional places in Sheriffdoms mentioned in the said Schedule, and at such times as to His Majesty, or His Royal Successors, may seem necessary and proper; and all such additional Circuit Courts shall be held in terms of the provisions of this Act.

26. Sheriffs-Clerks to appoint Deputes.

And be it Enacted, That the Sheriff-Clerk of each of the aforesaid Sheriffdoms shall attend in person, or appoint a Depute to act at each of the places at which Courts are hereby or may hereafter be appointed to be held, other than the place at which such Clerk shall himself officiate; and such Depute Clerk shall, in the absence of the Sheriff Clerk, attend at and during the holding of such Circuit Courts, and shall thereat perform all the duties by this Act required to be performed by the Sheriff Clerk; and if such Depute shall not be resident at such place, the Sheriff Clerk shall also appoint a proper Person, resident at such place, or its immediate vicinity, to issue the Summonses or Complaints which may be applied for and issued under the provisions of this Act; and the Sheriff Clerk shall give or cause to be given due intimation of the name, description and residence of each Person so appointed Depute Clerk, and of the Person appointed to issue Summonses and Complaints as aforesaid, by Notice, in the form set forth in Schedule (K.) hereunto annexed, to be affixed on the Church-door, or on some of the most public places in the parish within which such Court is to be held, and also in the most widely circulated newspaper published in the neighbourhood, if this shall be found necessary.

27. Actions to be brought in Circuit Town nearest Defender's Residence.

And be it Enacted, That all Civil Causes and Prosecutions for Penalties shall be brought before the permanent Small Debt Court, or before the Court held at the Circuit Town or Place nearest to the residence of the Defender; and where there shall be more Defenders than one included in the Summons or Complaint, then before the said permanent Small Debt Court, or before the Court in the Circuit Town or Place nearest to the residence of the greater number of the Defenders.

28. Sheriff may adjourn Cause either to next Circuit Court or to Sheriff's permanent Court.

And be it Enacted, That the Sheriff may, where the ends of justice and the convenience of parties require it, adjourn and remove the further hearing of any cause from his permanent Small Debt Court to any Circuit Small Debt Court, and from any Circuit Small Debt Court to the permanent or any other Circuit Small Debt Court.

29. Sheriffs to lodge Account of Expenses in Exchequer.

And be it Enacted, That each Sheriff shall annually lodge in Exchequer, along with his other Accounts, an Account of the Charges and Expenses incurred for the necessary accommodation for the holding of such Circuit Courts; which Account, after being audited by the proper Officer, shall be allowed in the annual settlement of the Sheriff's Accounts: Provided always, That in no case shall more be allowed than

the actual Expense incurred for such accommodation; and in order to defray the travelling and other charges incurred by the Sheriff or his Substitutes in going to, living at and returning from the places where such Circuit Courts are held, there shall be allowed, without account, the sum of *Three* Pounds for each Circuit Court to be held under the provisions of this Act.

30. In case charges exceed 3*l.* the Treasury may pay excess to Sheriff.

Provided always, and be it Enacted, That if in any case the necessary charges so to be incurred by any Sheriff or any Substitute of such Sheriff shall exceed the said sum of *Three* Pounds as aforesaid, the Lords Commissioners of His Majesty's Treasury shall, upon proof to that effect made to the Lord Treasurer's Remembrancer in Scotland, or to any other Person to be authorized by the said Lords Commissioners of the Treasury to take such proof, and upon a report thereof by the said Remembrancer or such other Person as aforesaid to them, direct such excess, and no more, to be paid to such Sheriff or Substitute, along with the said sum of *Three* Pounds allowed as aforesaid.

31. Decree not subject to appeal, except as herein provided.

And be it Enacted, That no Decree given by any Sheriff in any cause or prosecution raised under the authority of this Act, where the Sheriff shall not have ordered any pleadings, arguments, minutes or evidence to be reduced to writing, shall be subject to advocation, suspension or appeal, or any other form of review or stay of execution, other than hereinbefore provided, either on the merits or on account of any omission in the proceedings, or of any irregularity or informality, or on any ground or reason whatever, excepting only an appeal on the ground of corruption or malice and oppression on the part of the Sheriff, to the next Circuit Court of Justiciary, or where there are no Circuit Courts, to the High Court of Justiciary at Edinburgh, in the manner and by and under the rules, limitations, conditions and restrictions contained in an Act passed in the twentieth year of the reign of King GEORGE the Second, for taking away and abolishing the heritable jurisdictions in Scotland.

20 G. 2. c. 43.

32. Fees to be taken.

And be it Enacted, That the following and no other or higher Fees shall be allowed to be taken for any matters done in any cause or prosecution raised under the authority of this Act.

CLERKS' FEES.	When the Value does not exceed Two Pounds.	From Two Pounds to Five Pounds.	From Five Pounds to Ten Pounds.
	£. s. d.	£. s. d.	£. s. d.
Summons, Sist or Sequestration - - -	– – 6	– – 9	– 1 –
Each Copy for Service - - -	– – 3	– – 3	– – 6
Entering in precedence Book - -	– – 3	– – 3	– – 6
Warrants to Arrest, and entering in Book	– – 6	– – 9	– 1 –

	When the Value does not exceed Two Pounds.	From Two Pounds to Five Pounds.	From Five Pounds to Ten Pounds.
CLERKS' FEES.—*continued.*	£. s. d.	£. s. d.	£. s. d.
Loosing Arrestment	– – 6	– – 9	– 1 –
Bonds of Caution	– – 6	– 1 –	– 1 6
Second Diligence	– – 6	– – 9	– 1 –
For every Oath of Witness	– – 2	– – 3	– – 4
For every Oath of Party	– – 6	– – 9	– 1 –
Decree extracted	– – 3	– – 6	– – 6
Reponing against Decree in Absence	– – 6	– 1 –	– 1 6
Indorsations, and entering in Book	– – 6	– – 9	– 1 –
Receiving Reports of Poinding and Sales, and Sequestrations and Sales, and entering in Book	– – 6	– 1 –	– 1 6
OFFICERS' FEES, INCLUDING ASSISTANTS.			
Citation of a Party, and Execution	– – 6	– – 9	– 1 –
Citation of a Witness or Haver	– – 3	– – 6	– – 6
Charging on Decree, and returning Execution	– – 6	– – 9	– 1 –
Arresting and returning Execution	– – 6	– – 6	– 1 –
Intimation of loosing Arrestment and Execution	– – 3	– – 6	– – 6
Poinding and Inventory and Sequestration and Inventory	– 1 6	– 2 –	– 2 6
Sale and Report	– 1 6	– 2 –	– 2 6
Enforcing Warrants of Imprisonment	– 2 –	– 2 6	– 3 –
OFFICERS' TRAVELLING EXPENSES.			
For each complete Mile from the residence of the Officer employed, (the residence of the nearest Officer being the Rule, unless on special Cause shown) the distance returning not to be reckoned	– – 3	– – 4	– – 6
Assistants each per Mile in the same manner	– – 2	– – 3	– – 4
CRIER'S FEES.			
For calling each Cause	– – 1	– – 1	– – 1

33. Table of Fees to be printed and hung up.

And be it Enacted, That an exact copy of the immediately preceding section of this Act shall be printed on each Summons or Complaint, and

and on each service copy thereof; and shall also be at all times hung up in every Sheriff Clerk's Office, and in every Sheriff Court Place, during the holding of any Sheriff's Small Debt Court; and any Sheriff Clerk, from whose office any Summons or Service copy thereof shall be issued, not having such copy of the said section printed thereon, or at any time omitting to have such copy hung up in his office, or in the Sheriff Court Place as aforesaid, shall be liable in a penalty not exceeding *Forty* Shillings, to be recovered at the instance of any Person who shall prosecute for the same, under the form provided by this Act, and to be disposed of as the Sheriff shall direct.

34. Officers neglecting duty, to be fined.

And be it Enacted, That in all or any of the cases above mentioned, where any Decree or Warrant shall have been indorsed as aforesaid, the Sheriff's Officers of the county where such Decree or Warrant has been originally issued, as well as of any county wherein the same is indorsed, are hereby authorized and required to obey and enforce such Decree or Warrant within such other county; and any Sheriff's Officer failing to report any poinding and sale as above directed, or violating or neglecting any other duty entrusted to him under this Act, or wilfully acting contrary to any provision thereof, shall be liable in a penalty not exceeding *Forty* Shillings, to be recovered at the instance of any Person aggrieved thereby, under the form provided by this Act, and to be disposed of as the Sheriff shall direct, reserving always all further claim of damages otherwise competent against any such Officer, and without prejudice to the Sheriff's lawful authority to remove and punish all officers of his Court for misbehaviour or malversation in office.

35. Privileged persons not exempt.

And be it Enacted, That no member of theCollege of Justices shall be entitled to plead his privilege in suing or being sued for any sum or subject not exceeding in value *Ten* Pounds sterling, so as to authorize such action being instituted in any Court other than Courts for recovering Small debts.

36. Expenses to be disallowed.

And be it Enacted, That in all causes and prosecutions wherein the debt, demand, or penalty shall not exceed the value of *Ten* Pounds sterling, exclusive of expenses and fees of extract, which shall in future be brought or carried on before any Sheriff Court not according to the summary form herein provided, the Sheriff shall allow no other or higher fees to be taken than those above mentioned.

37. Construction of the Act.

And be it Enacted, That in all instances in this Act, where any of the terms "Sheriff" or "Sheriffdom," are used, the same shall be deemed to apply to any Steward, or Stewartry, or Ward, or District of such Sheriffdom or Stewartry; and the word "Sheriff-Clerk" to any Stewart-Clerk, and the word "Sheriff" to include any Sheriff or Stewart-Substitute; the word "name" to include names, the word "party,"

"party," to include parties or persons, the name "Sheriff Clerk," to include Depute, Assistant, or officiating Sheriff Clerk; and in general, wherever any word or words have been used, importing the singular number, or the masculine gender, the same shall be understood to include the plural number, or the feminine gender, and bodies corporate as well as individuals, and persons acting in any legal capacity for others, unless it has been otherwise specially expressed or provided, or where the subject or context may be repugnant to such construction.

38. Act may be amended.

And be it Enacted, That this Act may be repealed, altered or amended by any Act or Acts to be passed in this present Session of Parliament.

SCHEDULES referred to in the foregoing ACT.

SCHEDULE (A.)

No. 1.

SUMMONS or COMPLAINT in a CIVIL CAUSE.

A. B., Sheriff of the shire of , to Officers of Court, jointly and severally.

WHEREAS it is humbly complained to me by C. D. [design him], that E. F. [design him], defender, is owing the complainer the sum of [here insert the origin of debt or ground of action], which the said defender refuses or delays to pay; and therefore the said defender ought to be decerned and ordained to make payment thereof to the complainer, with expenses: Herefore it is my will, that on sight hereof ye lawfully summon the said defender to compear before me or my Substitute in the court house at , upon the day of , at of the clock, to answer at the complainer's instance in the said matter, with certification, in case of failure, of being held as confessed; requiring you also to deliver to the defender a copy of any account or voucher of debt pursued for, and that ye cite witnesses and havers for both parties to compear at the said place and date, to give evidence in the said matter. Given under the hand of the Clerk of Court at , the day of .

J. P., Sheriff Clerk.

No. 2.

CITATION for DEFENDER.

E. F., defender above designed, you are hereby summoned to appear and answer before the Sheriff, in the matter, and at the time and place, and under the certification set forth in the above copy of the summons or complaint against you.

This notice* served upon the day of , by me,

J. T., Sheriff Officer.

No. 3.

EXECUTION of CITATION of DEFENDER.

Upon the day of , Eighteen hundred and , I duly summoned the above-designed E. F., defender, to appear and answer before the Sheriff, in the matter, and at the time and place and under the certification above set forth. This I did by leaving a full copy of the above summons or complaint, with a citation thereto annexed,† for the said defender [in his hands personally or otherwise, as the case may be].

J. T., Sheriff Officer.

No. 4.

CITATION for WITNESSES.

M. N. [design him], you are hereby summoned to appear before the Sheriff of the shire of or his Substitute, in the court house at upon the day of , Eighteen hundred and , at of the clock, to bear witness for the [pursuer or defender, as the case may be]

* If there is an account or voucher of debt, the officer must serve a copy of it along with the copy of the summons or complaint, and add here, "with a copy of the account or voucher of debt."

† If there is an account or voucher of debt, the officer must serve a copy of it along with the copy of the summons or complaint; and that being done, add here the words, "and a copy of the account or voucher of debt."

be], in the summons or complaint at the instance of C. D. [design him] against E. F. [design him], under the penalty of Forty shillings sterling.

This notice, served on the day of , by me,

J. T., Sheriff Officer.

No. 5.

Execution of Citation of Witnesses.

Upon the day of , Eighteen hundred and , I duly summoned M. N., &c. [design them] to appear before the Sheriff of the shire of or his Substitute, in the court house at , upon the day of , Eighteen hundred and , at of the clock, to bear witness for the in the summons or complaint at the instance of C. D. [design him] against E. F. [design him.] This I did, by delivering a just copy of citation, signed by me, to the said M. N. [personally or otherwise, as the case may be.]

J. T., Sheriff Officer.

No. 6.

Decree for Pursuer in a Civil Cause.

At , the day of , One thousand eight hundred and , the Sheriff of the shire of finds the within-designed , defender, liable to the also within-designed , pursuer, in the sum of , with of expenses, and decerns and ordains instant execution by arrestment, and also execution to pass hereon by poinding and sale and imprisonment, after free days.

J. P., Sheriff Clerk.

No. 7.

Summons or Complaint for Statutory Penalty.

A. B., Sheriff of the shire of , to Officer of Court jointly and severally.

Whereas it is humbly complained to me by C. D., Procurator Fiscal of Court [or, where a private party only,] G. H., [or, where a private party prosecutes with concurrence of the Procurator Fiscal,] G. H. with concurrence of C. D., Procurator Fiscal of Court, that E. F., defender, has incurred the penalty of imposed by the Act of Parliament [mention the Act,] , the said defender having [state the offence, specifying time and place]: Therefore the said defender ought to be decerned and ordained to make payment of the said penalty, with expenses [state to whom and in what proportions payable]: Herefore it is my will, that on sight hereof ye lawfully summon the said defender to compear before me or my Substitute, in the court house at , upon the day of , at of the clock, to answer at the complainer's instance in the said matter, with certification, in case of failure, of being held as confessed; and that ye cite witnesses and havers for both parties to compear at the same place and date, to give evidence in the said matter. Given under the hand of the Clerk of Court, at , the day of .

J. P., Sheriff Clerk.

Concurs C. D., Procurator Fiscal.

[For citation of defender, and execution thereof, and citation of witnesses, and execution thereof, see Nos. 2, 3, 4 and 5 respectively.]

No. 8.

DECREE for PROSECUTOR in PROSECUTION for PENALTY.

At , the day of , One thousand eight hundred and , the Sheriff of the shire of finds that the within-designed E. F., defender, has incurred the penalty of , as libelled, payable to [if there is a power to mitigate, and a mitigation, add, "which is hereby mitigated to the sum of "]; and also finds the said defender liable in of expenses to the complainer, and decerns and ordains instant execution by arrestment, and also execution by poinding and sale and imprisonment, after free days.

J. P., Sheriff Clerk.

No. 9.

DECREE of ABSOLVITOR, with EXPENSES.

[The following will answer either for Civil Causes or Prosecutions for Penalties.]

At , the day of , One thousand eight hundred and , the Sheriff of the shire of assoilzies the within-designed E. F., defender, from the within complaint, and finds the within-designed C. D., pursuer, liable to him in the sum of of expenses, the expense of extracting the decree included; and decerns and ordains instant execution by arrestment, and also execution by poinding and sale and imprisonment, after free days.

J. P., Sheriff Clerk.

No. 10.

CHARGE on DECREE.

E. F., above designed, you are hereby charged to implement the decree, of which and of the complaint whereon the same proceeded the above is a copy, within six days from this date, under pain of poinding and sale and imprisonment, without further notice. This charge given by me, on the day of , before these witnesses, O. P. and Q. R. [design them.]

J. T., Sheriff Officer.

No. 11.

EXECUTION of CHARGE.

[To be on the same paper with Complaint and Decree.]

On the day of , Eighteen hundred and , I duly charged E. F., above designed, to implement the above decree within the time and under the pains therein expressed. This I did, by delivering a just copy of the foregoing complaint and decree, and a charge thereto annexed, subscribed by me, to the said E. F. [personally, or as the case may be], before these witnesses, O. P. and Q. R. [design them], hereto with me subscribing.

J. T., Sheriff Officer.

O. P., Witness.
Q. R., Witness.

SCHEDULE

SCHEDULE (B.)

FORM of COMPLAINT and WARRANT of SEQUESTRATION, at the instance of a Landlord, against a Tenant for Rent.

A. B., Sheriff of the shire of , to Officers of Court.

WHEREAS it is humbly complained to me by C. D. [design him] that E. F. [design him], defender, is owing the complainer the sum of , being the rent for [describe the premises], possessed by him from the term of to the term of , and payable the said rents as follows; videlicet [if any partial payments have been made, let them be here stated]: and which rents the said defender refuses or delays to pay, and therefore the defender ought and should be decerned and ordained to make payment thereof to the complainer, with expenses, and warrant ought also to be granted to sequestrate and thereafter to sell the furniture and effects and others within the said premises, in payment of said rent and expenses: Therefore it is my will, that ye lawfully summon the said defender to compear before me or my Substitute, within the court house at , upon the day of , at of the clock, to answer at the instance of the complainer in the said matter, with certification in case of failure of being held as confessed, and decree and warrant pronounced as craved: And in the mean time my will is, that you inventory, sequestrate, and, if need be, secure the furniture, effects and others upon the premises until the further orders of Court, or until the said defender shall consign in the hands of the Clerk of Court the amount of the rents claimed, with Two pounds sterling to cover expenses, in which case my warrant shall be granted, removing the sequestration: And that ye cite witnesses and havers for both parties to compear at said place and date, to give evidence in said matter. Given under the hand of the Clerk of Court, at , the day of .

J. P., Sheriff Clerk.

SCHEDULE (C.)

FORM of SIST of DILIGENCE, where the sum charged for (exclusive of Interest and Expenses) does not exceed Ten Pounds sterling.

A. B., Sheriff of the shire of , to Officers of Court.

WHEREAS it is humbly complained to me by C. D. [design him] that he has been charged in virtue of [describe the diligence] to make payment to E. F. [design him] of the sum of [describe the debt] most wrongfully and unjustly, as will be made to appear to me upon the day of trial after-mentioned: Therefore the said diligence and charge ought and should be simpliciter suspended in the mean time, and the said E. F., charger, interdicted and prohibited from proceeding therewith until the cause shall be disposed of by me: Therefore the complainer, having consigned the sums charged to be paid, together with Two pounds to cover expenses, my will is, that on sight hereof ye lawfully summon the said charger to compear before me or my Substitute, in the court house at , upon the day of , at of the clock, to answer at the complainer's instance in the foresaid matter, with certification, in case of failure, of being held as confessed and the diligence suspended, and the consigned money restored to the suspender; and in the mean time I sist the said diligence, and interdict, prohibit and discharge the charger from proceeding therewith, until my further orders. Given under the hand of the Clerk of Court, the day of .

SCHEDULE (D.)

No. 1.

WARRANT for ARRESTMENT on the DEPENDENCE of an ACTION.

A. B., Sheriff of the shire of , to Officers of Court, jointly and severally.

WHEREAS it is humbly shown to me by C. D. [design him], complainer, that he has raised an action before me against E. F. [design him], concluding that the said defender ought to be decerned and ordained to make payment to the said complainer of [here state the conclusions of the summons or complaint] conform to summons or complaint given under the hand of the Clerk of Court, at , on the day of ; and that the said defender, to the prejudice of the complainer, intends to uplift and dispose of all sums of money, goods and effects owing or belonging to the said defender: Herefore it is my will, that on sight hereof ye lawfully fence and arrest all sums of money, goods and effects whatsoever owing or belonging to the said defender, wherever or in whose hands soever the same can be found, to an amount or extent not exceeding the value of Ten pounds Sterling, in the hands of any arrestee, all to remain under sure fence and arrestment at the complainer's instance, until due consignation be made, or until sufficient caution be found as accords with law. Given under the hand of the Clerk of Court, at , the day of .

J. P., Sheriff Clerk.

No. 2.

ARRESTMENT on the DEPENDENCE of an ACTION.

By virtue of a warrant of the Sheriff of the shire of , given under the hand of the Clerk of Court, at , on the day of for arrestment on the dependence of an action raised before the said Sheriff, at the instance of C. D. [design him], complainer, against E. F. [design him], defender, I hereby fence and arrest in the hands of you, K. L. [design him], all sums of money owing by you to the said defender, or to any other person for his use and behoof, and all goods and effects in your custody belonging to the said defender, and that to an amount or extent not exceeding the value of Ten pounds Sterling, all to remain under sure fence and arrestment at the complainer's instance, until due consignation be made, or until sufficient caution be found as accords of law. This I do, on the day of , before these witnesses, O. P. and Q. R. [design them.]

J. T., Sheriff Clerk.

No. 3.

EXECUTION of ARRESTMENT on the DEPENDENCE of an ACTION.

[To be on the same paper with the Warrant of Arrestment.]

Upon the day of , Eighteen hundred and , betwixt the hours of and , by virtue of the foregoing warrant, I lawfully fenced and arrested in the hands of K. L. [design him] all sums of money owing by him to the foresaid E. F., defender, or to any other person for his use and behoof, and all goods and effects in the custody of the said arrestee belonging to the said defender, and that to an amount or extent not exceeding the value of Ten pounds Sterling all to remain under sure fence and arrestment at the foresaid complainer's instance until due consignation be made, or until sufficient caution be found as accords with law. This I did, by delivering a just copy of arrestment, subscribed by me, to the said arrestee personally [or, as the case may be], before these witnesses, O. P. and Q. R. [design them], hereto with me subscribing.

J. T., Sheriff Clerk.

O. P., Witness.
Q. R., Witness

No. 4.

BOND or ENACTMENT of CAUTION for LOOSING ARRESTMENT.

At , on the day of , Eighteen hundred and , compeared G. H. [design him], who hereby judicially binds himself, his heirs, executors and successors, as cautioners acted in the Sheriff Court Books of the shire of , for E F. [design him], common debtor, against whom arrestment was used at the instance of C. D. [design him], in the hands of K. L. [design him], on the day of , in virtue of [describe the warrant], dated the day of , that the sums of money, goods and effects owing or belonging to the said common debtor, arrested as aforesaid, shall be made forthcoming as accords of law.

G. H.

No. 5.

WARRANT for LOOSING ARRESTMENT used on the DEPENDENCE of an ACTION.

WHEREAS arrestment was used on the dependence of an action, at the instance of C. D. [design him] against E. F. [design him], in the hands of K. L. [design him], on the day of , by virtue of a warrant of the Sheriff of the shire of , given under the hand of the Clerk of Court at , the day of : And whereas the said E. F. has now made sufficient consignation in the hands of the Sheriff Clerk of [or, if caution has been found, say] has found sufficient caution acted in the Sheriff Court Books of by G. H. [design him], his cautioner [here state the nature of the caution], in order to the loosing of the said arrestment, warrant for loosing the said arrestment is hereby granted accordingly. Given under the hand of the Clerk of Court, at , the day of .

J. P., Sheriff Clerk.

No. 6.

INTIMATION of LOOSING ARRESTMENT.

[To be on the same paper with a copy of the foregoing Warrant.]

K. L. [design him.] Take notice, that by virtue of the warrant whereof the above is a copy, the arrestment on the dependence of the action above mentioned, used in your hands at the instance of foresaid C. D. against the foresaid E. F., is loosed and taken off. This notice is served on the day of by me,

J. T. Sheriff Officer.

No. 7.

EXECUTION of INTIMATION of LOOSING ARRESTMENT.

[To be on the same paper with the original Warrant for Loosing Arrestment.]

Upon the day of Eighteen hundred and , I duly intimated the above warrant to K. L., [design him] arrestee. This I did by leaving a full copy thereof, and intimation thereon, subscribed by me, for him [in his hands personally, or as the case may be.]

J. T., Sheriff Officer.

SCHEDULE (E.)

SUMMONS or COMPLAINT in CASES of FORTHCOMING.

A. B., Sheriff of the shire of to Officers of Court conjointly and severally.

WHEREAS it is humbly complained to me by C. D. upon and against K. L., arrestee, and E. F., common debtor, that the said common debtor is owing the complainer the sum of contained in [describe shortly the decreet, or bill, or bond, et cetera, by which the debt is constituted]; and that the complainer, on the day of years, in virtue of a warrant by dated the day of arrested in the hands of the said arrestee [here insert the terms of the arrestment used,] which the said arrestee now refuses or delays

to make forthcoming: Therefore the said arrestee, and the said common debtor for his interest, ought to be decerned and ordained to make forthcoming, pay and deliver to the complainer the money, goods and effects arrested as aforesaid, or so much thereof as will satisfy and pay the said sum of owing to the complainer as aforesaid; Herefore it is my will, that on sight hereof ye lawfully summon the said arrestee, and the said common debtor for his interest, to compear before me or my Substitute in the court-house at , upon the day of years, at of the clock, to answer at the complainer's instance in the said matter, with certification, in case of failure, of being held as confessed; and that ye cite witnesses and havers for both parties to compear at the said place and date, to give evidence in the said matter. Given under the hand of the Clerk of Court, at the day of years.

J. P. Sheriff Clerk.

[The Citations and Executions and Decree for the Defender, with expenses, may be the same as in Schedule (A.)]

DECREE for the PURSUER in CASES of FORTHCOMING.

At the day of , One thousand eight hundred and , the Sheriff for the shire of decerns and ordains the within-designed , defender, to make forthcoming, pay, and deliver to the also within designed , pursuer, [if the arrestee has money arrested in his hands, the rest of the judgment will be the same as in ordinary cases; if there are goods and effects to be made forthcoming, the rest of the judgment will be as follows:] the arrested goods and effects following; videlicet, , and grants warrant to sell the same, or as much thereof as will satisfy the sum of and of expenses of process and the expense of sale; and failing, the said defender making forthcoming, and delivering the said goods and effects within , then to make payment to the said pursuer of the said sum of for recovery of which sums, the said period being elapsed without forthcoming and delivery of the said goods and effects, ordains instant execution by arrestment, and also execution to pass hereon by poinding and sale and imprisonment, after free days.

J. P. Sheriff Clerk.

SCEHEDLE (F.)

SUMMONS of MULTIPLE-POINDING.

A. B., Sheriff of the shire of to Officers of Court, jointly and severally.

WHEREAS it is humbly shewn to me, by C. D., that he is indebted to E. F. in the sum of Pounds, [or that he holds certain effects, to be described, of the value of Pounds] which sum he is ready and willing to pay [or to deliver the said effects] to the said E. F., or to whomsoever shall be found to have best right thereto; but he is distressed by claims being made thereon by the persons following, videlicet,

Wherefore the pursuer ought and should be found liable only in once and single payment [or delivery] of said sum [or subject] to whomsoever of the said parties shall be found by me to have best right thereto, deducting the raiser's expenses, and decree accordingly may be pronounced, at the instance of such party, against the raiser for the said sum [or subject], and the said other parties above named should be prohibited from molesting the raiser thereanent in all time coming. Herefore, &c. [the warrant the same as in previous Schedules for summonses].

[The citations and decree to be as nearly as possible in the forms in Schedule (A.) and (C.) and warrant to sell the subjects forming the fund in medio may be granted and reported before final decree of preference.]

SCHEDULE

2.97

SCHEDULE (G.)

No.	Dates of Complaints.	Present or Absent.	Pursuers.	Present or Absent.	Defender.	Sums.	How due.	How cited.	By what Officer.	Interlocutors and Decrees.
		A.		P.						
		P.		A.						
		P.		P.						
		A.		A.						
		A.		P.						

N. B. Before the name of each pursuer and defender let the letter P. or A. be added, in order to mark whether the party was present or absent when the cause was called; let expenses be also entered under the head of "Interlocutors."

SCHEDULE (H.)

Report of Poinding and Sale.

Report of the Poinding and Sale at the instance of C. D. [design him] against E. F. [design him]

Lots.	Effects.	Appraised at.	Sold at.
		£. s. d	£. s. d.
1.	An Eight-day Clock - - -	4 – –	4 10 –
2.	Six Chairs at 6*s.* - - -	1 16 –	1 18 –
3.	One Table - - - - -	– 8 –	– 8 –
4.	One Chest of Drawers - - -	1 12 –	1 12 –
		7 16 –	8 8 –

UPON the day of Eighteen hundred and between the hours of and by virtue of a decree of the Sheriff of given under the hand of the Clerk of Court at on the day of at the instance of C. D. above designed, against E. F. above designed, for the payment of the sums of I passed with the witnesses and appraisers after named and designed to and then and there, after demanding payment of the sums contained in said decree past due, and payment not being made, I poinded the effects above enumerated belonging to the said Debtor; and after making an inventory or list thereof, and getting the same duly appraised, on oath, at the several values respectively above specified in the first column, and amounting in all to [here insert the amount in words,] and leaving a copy of such inventory or list and appraisement with the said debtor personally [or as the case may

may be,] I carried the said effects to the of and there, betwixt the hours of and and after public notice of at least hours, I sold the said effects by public roup to the highest bidder, at the prices above specified in the second column, for each lot respectively, and amounting in all to [here insert the amount in words.] These things were so done before and with O. P. and Q. R. [design them] witnesses and appraisers, in the premises hereto with me subscribing.

J. T. Sheriff Officer.

O. P. Witness and Appraiser.
Q. R. Witness and Appraiser.
Reported to the Sheriff Clerk of the shire of at the day of by me

J. T. Sheriff Officer.

[If the effects are not sold, the tenor of the report must be altered according to the state of the fact; for instance, [" I exposed the said goods and effects to public sale; but no person having offered the appraised value, therefore I declared the same to belong to the said *C. D.* at the said respective appraised values, in payment to that amount of the sums in said decree."] In case the goods pointed, or part of them, shall sell for more than the sums in the decree, and expenses of poinding and sale, say, [" I sold part of the said effects, viz. Lots 1, 2 and 3, by public roup to the highest bidder, at the prices above specified in the second column for each of said lots respectively, and amounting in all to [here insert the amount in words,] and I returned to the said debtor the sum of being the overplus of the price, after payment of the sums decerned for past due, and the sum of being the expenses of poinding and sale, conform to the Act of Parliament; and I also returned to the said debtor the effects specified in the other lots above enumerated."]

SCHEDULE (I.)

COUNTIES.	PLACES* at which Circuits are to be held.
Aberdeen	Tarland. Turreff. Peterhead. Huntly. Strichan. Ellan. Inverury.
Argyle	Fort William. Tobermory. Oban. Dalmally. Loch Gilphead. Island of Islay. Dunoon.
Ayr	Beith. Irvine. Kilmarnock. Largs. Old Cumnock. Dalmellington. Maybole. Girvan. Colmonel.
Berwick	Lauder. Dunse. Greenlaw. Coldstream. Ayton.
Bauff	Cullen. Keith. Aberlour. Dufftown.
Bute	Brodick-in-Arran. Millport.
Caithness	Thurso. Lybster. Canisbay.
Dumfries	Sanquhar. Thornhill. Annan. Langholm. Moffat. Lockerby.
Clackmannan and Kinross	Dollar.
Dumbarton	Kirkintulloch. Hellensburgh. Duntocher.
Edinburgh	Mid Calder. Pennycuick. Dalkeith. Musselburgh.

* The places for holding Sheriff Circuit Courts are continued nearly the same as in Mr. Kennedy's Bill. A careful revision will, it is believed, diminish their number very considerably.

COUNTIES.	PLACES at which Circuits are to be held.
Fife	Newburgh. St. Andrew's. Colinsburgh. Markinch. Kirkaldy.
Forfar	Brechin. Montrose. Arbroath. Newtyle. Cortachy. Slateford.
Haddington	North Berwick. Dunbar. Tranent.
Inverness	Fort William. Kingussie. Beauly. Fort Augustus. Isle of Skye.
Kincardine	Fettercairn. Bervie. Durris.
Kirkcudbright	New Galloway Creetown. Dalbeatie. New Abbey. Maxwelton.
Lanark	Biggar. Airdrie. Carnwath. Douglas. Strathavon. Kilbride.
Linlithgow	Bathgate. Whitburn. Queensferry.
Orkney	St. Margaret's Hope. Westray. Sanday. Stromness. Stronsay.
Shetland	Burravoe.
Nairn and Elgin	Forres.
Peebles	Inverleithen. Linton.
Perth	Crieff. Callander. Kincardine, Parish of Tullyallan. Blairgowrie. Dunkeld. Aberfeldy. Errol.
Renfrew	Lochwinnoch. Neilston. Pollockshaws. Eglesham.
Ross and Cromarty	Jeantown. Fortrose. Ullapool. Invergordon.
Roxburgh	Melrose. Hawick. Yetholm. Kelso. Castleton.
Selkirk	Galashiels.
Sterling	Falkirk. Kilsyth. Drymen. Kippen.
Sutherland	Lairg. Scourie. Betty-hill. Port Gower.
Wigton	Stranraer. Glenluce. Newtown Stewart.

Schedule (K.)

NOTICE.

A. B. [name and designation] residing at D. is the Depute Sheriff Clerk, [or when the Depute is not resident, say B. C. (name and designation) is the person] who will officiate at D. to whom application for Complaints, and every other Writ necessary for the Sheriffs Circuit at this place for Small Debt Causes, must be made.

Date (signed) D. Sheriff Clerk of the Sheriffdom of A.

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IV. 6 WILL. IV.—Sess. 1835.

A

B I L L

For the more effectual Recovery of Small Debts, and for diminishing the Expenses of Litigation in Causes of small Amount in the Sheriff Courts of Scotland; and to constitute and regulate Small Debt Circuit Courts in each County thereof.

(Prepared and brought in by Mr. Robert Wallace and Mr. Hume.)

Ordered, by The House of Commons, *to be Printed,*
26 June 1835.

330.

9 *March* 1835.

A

B I L L

For abolishing in Scotland Imprisonment for Civil Debts of small Amount, and for rendering more available the Process of Cessio Bonorum, and restraining the Arrestment of Wages.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS His Majesty was pleased by Letters Patent, bearing date on the Sixth day of June One thousand eight hundred and Thirty-three, under the Great Seal, appointed by the Treaty of Union to be kept and made use of in place of the Great Seal of Scotland, to appoint certain Commissioners with instructions to inquire, inter alia, "as to the present form of enforcing Judicial Decrees, by the Diligence of Horning and Caption and Imprisonment, and the expediency of any alteration in the law or forms touching such proceedings:" Preamble.

And whereas the said Commissioners have made a Report, from which it appears that great hardship is frequently suffered by poor Persons in consequence of Imprisonment for Civil Debts to a small amount, without producing thereby any adequate benefit to their Creditors:

And whereas the salutary and humane relief granted by the Law of Scotland to Insolvent Debtors by the action or process of Cessio Bonorum, is rendered imperfect by the necessity, in all cases, that the Debtor shall submit to a previous incarceration of one Month's endurance, and from such action or process being held competent to be followed out and pursued in the Court of Session exclusively,

and thereby occasioning much expense to Debtors, and also to such Creditors as come forward to investigate their affairs or oppose such process:

And whereas great evil (especially in the manufacturing districts of Scotland), arises from the Arrestment of Wages, whereby Workmen and their families are deprived of the proper means of their subsistence:

And whereas it is expedient that a Remedy should be provided for these evils and inconveniences:

Be it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *passing of this Act*, it shall not be lawful for any Creditor to imprison any Person or Persons on account of any Civil Debt which shall not exceed the sum of *Eight pounds Six shillings and Eight pence* sterling.

1. No Person to be imprisoned for a Debt not exceeding 8*l.* 6*s.* 8*d.*

2. Gaolers not to receive into their custody any Person for a Debt not above 8*l.* 6*s.* 8*d.*

And be it further Enacted, That from and after the *passing of this Act*, it shall not be lawful for any Magistrate or Keeper of a Prison or other Officer having the charge of any gaol or prison in Scotland, to receive into such prison, or for any Messenger-at-arms or other officer of the law, to apprehend or detain in custody the person of any Debtor or alleged Debtor for a Civil Debt of an amount not exceeding *Eight pounds Six shillings and Eight pence* sterling, in virtue of Letters of Caption, Act of Warding, Decree of a Small-debt Court or other Warrant; reserving nevertheless the effect of such Writs and Decrees in all other respects as heretofore.

3. Sheriff or Magistrates may direct the discharge of any Person imprisoned for a less amount than 8*l.* 6*s.* 8*d.*

And be it further Enacted, That on application made to the Sheriff of the County in which the Person shall be situated, or to the Magistrates having charge of any prison, by any Prisoner incarcerated therein, showing that he is imprisoned or detained in gaol for a Civil Debt or Debts to a less amount than the sum aforesaid due to any one Creditor, or due by one Writ of Letters of Caption, or Act of Warding or Decree, such Sheriff or Magistrates shall cause intimation to be made to the incarcerating Creditor or Creditors, upon Induciæ of *Six* days after intimation; and on being satisfied that the statement of the Prisoner is consistent with truth, such Sheriff or Magistrates shall without delay grant warrant for his liberation, and shall cause him to be set at liberty accordingly.

4. Persons not to acquire accumulation of Debts under

And be it further Enacted, That it shall not be lawful for any Person to acquire by assignation or otherwise, except by marriage

or

or inheritance, more than one Civil Debt of or below the amount of *Eight pounds Six shillings and Eight pence* sterling, against any one individual, to the effect of accumulating such Debts into one Decree or Warrant or Writ, so as to defeat the purpose of this Act, by imprisoning the Debtor for such accumulated Debts; reserving nevertheless liberty to all Persons to acquire Debts due by the same individual for small Sums, to all other effects as heretofore: But it is hereby Declared, That separate furnishings or advances in one Account-current, where the continuity of the Account has not been broken by an interruption of furnishings for more than *One* year, shall not for the purposes of this Act be regarded as separate Debts.

sum before specified, except by Marriage or Inheritance.

5.

Not to affect recovery of Fines or Forfeitures.

And be it further Enacted, That nothing in this Act contained shall affect obligations, ad facta præstanda, or the right of His Majesty, by his officers, or the Fiscals of Courts of Law, to recover by imprisonment, as formerly, any fines or forfeitures imposed or hereafter to be imposed by law.

6.

Insolvent Debtors may insist upon a Process of Cessio Bonorum by presenting Petition to the Sheriff of the County.

And be it further Enacted, That from and after the *passing of this Act*, it shall be competent for any Insolvent Debtor, who shall have been incarcerated in virtue of legal diligence for any period of time however short, either to raise and insist in a process of Cessio Bonorum before the Court of Session in Scotland, or to apply by Petition for that benefit to the Sheriff of the County in which such Debtor shall have his domicile; and such Sheriff shall thereupon issue a Warrant to cite any Creditor or Creditors at whose instance the Petitioner may have been so charged or incarcerated, and to call the other Creditors to appear in Court on a certain day, by Advertisements to be inserted in the Edinburgh Gazette, and in such County Newspaper, if any, as the Sheriff shall direct, and by intimation by written or printed Letters sent by Post to each Creditor; and the day of compearance shall not be less than *Thirty* days from the date of intimation in the Gazette.

7.

After Petition presented, Sheriff may grant his Warrant.

And be it further Enacted, That so soon as such Petition shall be presented, it shall be lawful for the Sheriff to grant Warrant for the liberation of the Petitioner, on his finding such security, de judicio sisti, as the Sheriff may deem reasonable.

8.

Sheriff to determine merits of Petition, and proceed according to Forms of Court.

And be it further Enacted, That it shall be lawful for the Sheriff to cognosce and determine the merits of the Petition for the benefit of the Cessio Bonorum, and to proceed according to the usual forms of his Court, or such forms as may be appointed by competent authority; and in particular the Petitioner shall be required to produce all books and documents calculated to throw light upon his affairs, as also to undergo an examination respecting all his transactions,

actions, in presence of the Sheriff and of such of his Creditors as may attend, on a day to be duly notified for the purpose ; which examination shall either be upon oath or otherwise, as the Creditors may demand, or the Sheriff deem meet; and the Decree given forth in the Sheriff Court, if not altered by a superior Court, shall have the same effect as if such Decree had been given forth by the Court of Session: Providing always, That a Debtor obtaining the benefit of the process of Cessio in the Sheriff Court, shall, according to the present law and practice, execute a disposition omnium bonorum in favour of his Creditors, or some of them, as Trustees, or of some other Person as Trustee, for their behoof, as the Sheriff may direct.

9. If the Debtor refuses necessary information, Decree of Cessio not to issue.

And be it further Enacted, That if such Debtor shall refuse to produce such Books and Documents when in his power, or shall decline to answer any question which the Sheriff shall authorize to be put, no Decree of Cessio shall be awarded in hoc statu, and the Debtor shall be sent to prison.

10. Imprisonment not to be necessary in order to raise Process of Cessio Bonorum.

And be it further Enacted, That hereafter it shall not be necessary for a Debtor, before raising or insisting in a process of Cessio Bonorum, to undergo, as at present, imprisonment during a Month ; reserving, however, to his Creditor or Creditors, the power of detaining him in prison according to law, until such time as he shall have obtained a final Decree, finding him entitled to the benefit of the Cessio ; and hereafter no Debtor obtaining the benefit of the Cessio shall be bound to wear any particular Habit ; and in the Summons or Petition for that benefit it shall not be necessary to conclude or pray that the habit be dispensed with ; and in the Judgment awarding the Cessio it shall not be necessary to dispense with the habit.

11. Benefit of Cessio Bonorum may be refused in cases of fraudulent conduct.

And be it further Enacted, That on proof of fraudulent conduct it shall be competent to the Sheriff either to refuse the benefit of Cessio or to fix a period within which his sentence granting that benefit shall not operate as a protection to the Debtor: Provided always, That where the benefit of the Cessio is not so granted as to have immediate effect, the Sheriff shall state the special grounds of such Judgment: And it is hereby provided, That the decision of the Sheriff shall be liable summarily to review, by Note to the Inner House of the Court of Session during Session, and to the Lord Ordinary on the Bills in time of Vacation.

12. Arrestment for Wages to be allowed when such Wages do not exceed a certain weekly amount.

And be it Enacted, That hereafter, in cases in which Wages shall be payable by the week or fortnight, and do not exceed *Thirty shillings* per week, no Arrestment on the dependence of any Action shall be competent or effectual for the Wages of Labour due for the

the week or fortnight in which the Arrestment is used; reserving, nevertheless, the effect, as heretofore, of such Arrestments with regard to previous arrears or surplus Wages above the rate aforesaid.

13. Act may be repealed or altered.

And be it further Enacted, that this Act may be repealed, altered or amended during the present Session of Parliament.

A

B I L L

For abolishing in Scotland Imprisonment for Civil Debts of small Amount, and for rendering more available the Process of Cessio Bonorum, and restraining the Arrestment of Wages.

(Prepared and brought in by
The Lord Advocate, Mr. Attorney General,
and Mr. Solicitor General.)

Ordered, by The House of Commons, *to be Printed,*
9 *March* 1835.

24 *July* 1835.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For abolishing in *Scotland* Imprisonment for Civil Debts of small Amount.

WHEREAS His Majesty was pleased by Letters Patent, bearing date on the Sixth day of June One thousand eight hundred and Thirty-three, under the Great Seal, appointed by the Treaty of Union to be kept and made use of in place of the Great Seal of *Scotland*, to appoint certain Commissioners with instructions to inquire, *inter alia*, "as to the present form of enforcing Judicial Decrees, by the Diligence of Horning and Caption and Imprisonment, and the expediency of any alteration in the law or forms touching such proceedings:" Preamble.

And whereas the said Commissioners have made a Report, from which it appears that great hardship is frequently suffered by poor Persons in consequence of Imprisonment for Civil Debts to a small amount, without producing thereby any adequate benefit to their Creditors:

And whereas it is expedient that a Remedy should be provided;

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the First day of January One thousand eight hundred and Thirty-six it shall not be lawful for any Creditor to imprison any Person or Persons on account of any Civil Debt which shall not exceed the sum of Eight Pounds Six Shillings and Eight-pence sterling, exclusive of Interest and Expenses thereon; provided that it shall be lawful to imprison Debtors on Debts incurred or which may become due under contracts made before the passing of this Act, in like manner as if this Act had not been

1. No Person to be imprisoned for a Debt not exceeding 8*l* 6*s*. 8*d*.

been passed: Provided always, That imprisonment for such Debts shall commence before the First day of January One thousand eight hundred and Thirty-seven.

2.
Gaolers not to receive into their custody any Person for a Debt not above 8*l.* 6*s.* 8*d.*

And be it Enacted, That from and after the First day of January One thousand eight hundred and Thirty-six, it shall not be lawful for any Magistrate or Keeper of a Prison or other Officer having the charge of any prison in *Scotland*, to receive into such prison, or for any Messenger-at-arms or other officer of the law, to apprehend or detain in custody the person of any Debtor or alleged Debtor for a Civil Debt of an amount not exceeding Eight Pounds Six Shillings and Eight-pence sterling, exclusive of Interest and Expenses thereon, in virtue of Letters of Caption, Act of Warding, Decree of a Small-debt Court or other Warrant, unless in the case of Debts contracted before the passing of this Act as aforesaid.

3.
Sheriff or Magistrates may direct the discharge of any Person imprisoned for a less amount than 8*l.* 6*s.* 8*d.*

And be it Enacted, That on application made to the Sheriff of the County in which the Prison shall be situated, or to the Magistrates having charge of any prison, by any Prisoner incarcerated therein, showing that he is imprisoned or detained in gaol for a Civil Debt or Debts contrary to the provisions of this Act, such Sheriff or Magistrates shall cause intimation to be made to the incarcerating Creditor or Creditors, upon Induciæ of Six Days after intimation; and on being satisfied that the statement of the Prisoner is consistent with truth, such Sheriff or Magistrates shall without delay grant warrant for his liberation, in so far as regards the Debt due to such Creditor.

4.
Persons not to acquire Debts under sum before specified, except by Marriage or Inheritance.

And be it Enacted, That it shall not be lawful for any Person to acquire from third Parties by assignation or otherwise, except by marriage or inheritance, one or more Civil Debt of or below the amount of Eight Pounds Six Shillings and Eight-pence sterling, against any one individual, to the effect of accumulating such Debts into one Decree or Warrant or Writ, or of adding the same to Debts previously due to him below the said amount, for the purpose of defeating this Act, by imprisoning the Debtor for such accumulated Debts.

5.
Not to affect recovery of Fines or Forfeitures.

And be it Enacted, That nothing in this Act contained shall affect obligations, *ad facta præstanda*, or the right of His Majesty, or His officers, or the Fiscals of Courts of Law or others, to imprison, as formerly, or on account of taxes or penalties due to the Revenue, or on account of any fines or forfeitures imposed, or hereafter to be imposed, by law, or apply to imprisonment for Poor Rates or local taxation, or to imprisonment for sums decerned for aliment.

6.
Act may be repealed or altered.

And be it Enacted, That this Act may be repealed, altered or amended during the present Session of Parliament.

6 WILL. IV.—Sess. 1835.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For abolishing in *Scotland* Imprisonment for Civil Debts of small Amount.

(*Prepared and brought in by*
The Lord Advocate, Mr. Attorney General and Mr. Solicitor General.)

Ordered, by The House of Commons, *to be Printed,*
24 *July* 1835.

24 *July* 1835.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For restraining in *Scotland* the Arrestment of Wages.

[N. B.—*The Clause marked* (A.) *was inserted in the Committee.*]

WHEREAS His Majesty was pleased by Letters Patent, bearing date on the Sixth day of June One thousand eight hundred and Thirty-three, under the Great Seal, appointed by the Treaty of Union to be kept and made use of in place of the Great Seal of *Scotland*, to appoint certain Commissioners with instructions to inquire, *inter alia*, "as to the present form of enforcing Judicial Decrees, by the Diligence of Horning and Caption and Imprisonment, and the expediency of any alteration in the law or forms touching such proceedings:" Preamble.

And whereas the said Commissioners have made a Report, from which it appears that great evil (especially in the manufacturing districts of *Scotland*) arises from the Arrestment of Wages, whereby Workmen and their Families are deprived of the proper means of their subsistence:

And whereas it is expedient that a Remedy should be provided for this evil;

BE it therefore Enacted, by The KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the First day of January One thousand eight hundred and Thirty-six, in cases in which Wages shall be payable by the week or fortnight or month, and do not exceed Twelve Shillings per week, no Arrestment shall be

I. Arrestment for Wages not to be allowed when such Wages do not exceed 12*s.* per week.

be competent or effectual for such Wages due, or to become due, for the week or fortnight or month in which the Arrestment is used.

2. CLAUSE (A.) Wages not to be arrested on dependence: where they exceed 12*s.* per week, arrestable only as far as they exceed that sum.

And be it Enacted, That hereafter it shall not be competent to arrest the Wages of Labour due for the week, fortnight or month, upon the dependence of any action: Provided always, That where the Wages exceed the sum of Twelve Shillings a week, they shall be arrestable on decreet in so far as they exceed that sum.

3. Act may be repealed or altered.

And be it further Enacted, That this Act may be repealed, altered or amended during the present Session of Parliament.

6 WILL. IV.—Sess. 1835.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For restraining in *Scotland* the Arrestment of Wages.

(*Prepared and brought in by The Lord Advocate, Mr. Attorney General and Mr Solicitor General.*)

Ordered, by The House of Commons, *to be Printed,* 24 *July* 1835.

10 *August* 1835.

III.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For extending the Jurisdiction of Sheriffs in *Scotland* to the Process of *Cessio Bonorum*.

Preamble.

WHEREAS it is expedient that Sheriffs in *Scotland* should possess Jurisdiction in Processes of *Cessio Bonorum*; BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the First day of January One thousand eight hundred and Thirty-six every Sheriff within *Scotland* shall possess full jurisdiction, power and authority to judge and decide in all processes of *Cessio Bonorum* which may be brought before him in manner hereinafter provided, as fully and amply as he can judge and decide in any other action presently by law competent before him; and the Sheriff Clerk, and all Sheriff Officers in the several Sheriffdoms in *Scotland*, shall have full power and authority to act in their respective offices in relation to such Processes.

1. Sheriffs to have jurisdiction as to Cessio Bonorum; and Sheriff Clerks and Officers to act therein.

And be it Enacted, That if any Person shall have been, before the said First day of January, or shall on or after that day, be charged by virtue of any Decree, Warrant, Precept, Letters of Horning, Act of Warding, or any other Writ to make payment of any Civil Debt; or if any Decree shall have been or shall be pronounced containing Warrant to imprison; or if any Person shall have been before the said day, or shall on or after that day, be either imprisoned, or liberated after imprisonment in respect of any Civil Debt, and be liable to imprisonment or be imprisoned in virtue thereof, it shall be competent for such Person to apply for

2. Competent for any person charged, or in prison, or who has been in prison, in respect of a civil debt, to apply for decree of Cessio.

Decree by *Cessio Bonorum*, within Six Months from and after the date of such Charge, Warrant, Decree, Imprisonment and Liberation in the manner hereinafter set forth: Provided always, That such application shall not operate as a sist on any legal diligence.

3. Competent for such person to present to the Sheriff a Petition praying for decree of Cessio.

And be it Enacted, That from and after the said First day of January One thousand eight hundred and Thirty-six, it shall be competent for any such Person to present to the Sheriff of the county in which he has his ordinary domicile a Petition, setting forth that he has been charged or imprisoned, or that a Decree containing Warrant to imprison has been pronounced (as the case may be); that he is unable to pay his Debts; that he is ready to surrender his whole Estates, heritable and moveable, for behoof of his Creditors; and praying for the benefit of the *Cessio Bonorum*; in which Petition he shall insert a full List of all his Creditors, specifying their Names and Designations, and Places of Residence, so far as known to him; and along with such Petition he shall produce evidence of the said Charge or Decree; or if he has been imprisoned, or after imprisonment liberated as aforesaid, he shall produce a Certificate of his having been imprisoned, and the date thereof, from the Keeper of the Prison.

4. Sheriff to order Notices to be published and sent to Creditors, and Debtor to lodge state of Affairs, Books, &c., and to be examined.

And be it Enacted, That on the said Petition, accompanied with the said Documents or Certificate, being lodged, the Sheriff shall order the Petitioner to insert a Notice in the *Edinburgh* Gazette, in terms of Schedule (A.), and shall ordain him to lodge a state of his affairs, containing an account of his funds, debts and losses, and all books, papers and documents relating to his affairs, in the hands of the Sheriff Clerk on or before the Third lawful day after such Notice, and to appear in presence of the Sheriff on a day being not less than Ten, and not more than Twenty Days from the date of such Notice.

5. Notices to be published, and sent to Creditors.

And be it Enacted, That the Petitioner shall insert the said Notice in the *Edinburgh* Gazette as soon as circumstances will admit; and the Petitioner shall at the same time give a citation, or cause a letter to be delivered to each of the Creditors specified in the Petition, containing the said Notice.

6. Petitioner to lodge state of Affairs, Books, &c, and undergo Examination.

And be it Enacted, That on or before the day mentioned in the said Order, the Petitioner shall lodge a state of his affairs, subscribed by himself, and all his books, papers and documents relating to his affairs, in the hands of the Sheriff Clerk, to be patent to all concerned; and on the day also mentioned in the said Order the Petitioner

Petitioner shall appear in open court, for examination as to his affairs; and the Sheriff shall have power to put him on oath or affirmation, in cases where the law allows affirmation to be received, and the Petitioner shall be bound to answer all pertinent questions put to him by the Sheriff, or by any Creditor, with the approbation of the Sheriff, at that or any other examination which may thereafter be ordered by the Sheriff, under certification that if, without lawful cause, he refuse to be put on oath or affirmation, or to give full information with regard to the state of his affairs, or to subscribe his examination, Decree of *Cessio* shall be refused *in hoc statu*; and on the examination being taken, the Sheriff shall hear parties thereon *vivâ voce*; and if the Sheriff shall be satisfied that no further examination or inquiry is necessary, he shall give judgment, either granting Decree, or refusing the same *in hoc statu*; or granting it subject to such conditions, or to a declaration that it shall not be extracted or available as a protection to the Petitioner until after such space of time as, under the circumstances, shall appear to the Sheriff proper: Provided always, That where the Sheriff shall grant Decree under such limitation, or shall refuse Decree *in hoc statu*, he shall, either in the Decree itself, or in a Note subjoined thereto, state the grounds of his decision.

Sheriff to pronounce Judgment.

7. Reclaiming Petition.

And be it Enacted, That if the said judgment be pronounced by the Sheriff Substitute, it shall be competent to any party aggrieved to present a Reclaiming Petition to the Sheriff against such judgment, in the same manner as in summary cases where a Reclaiming Petition is allowed.

8. Review by Court of Session.

And be it Enacted, That it shall be lawful, either after such Reclaiming Petition has been disposed of, or without presenting such Petition, for any party aggrieved to bring the said judgment or judgments under the review of the Court of Session, by lodging in the hands of any of the Clerks of the Division of that Court under whose review he wishes to bring the cause, a written or printed Reclaiming-Note, reciting the judgment or judgments complained of, and praying to have the same altered or recalled: Provided always, That the said Note shall be duly lodged within Twelve Days from the date of the judgment, or the last of the judgments complained of; unless the judgment be pronounced by the Sheriff of *Orkney* and *Zetland*, in which case the Reclaiming Note shall be lodged within Thirty Days from the date of the judgment or judgments; and a copy of the said Note shall be delivered within the said period to the Respondent, or his known Agent; and a copy thereof, duly certified by the said Clerk, shall be a sufficient warrant to the

Sheriff Clerk to transmit to the said Clerk of Session the whole proceedings in the said process.

9. Inner House, during Session, to review.

And be it Enacted, That if the Court of Session be sitting, the said Reclaiming Note shall forthwith be enrolled before the Division of the Inner House marked thereon; and the Court, after hearing parties thereon, shall pronounce judgment; and it shall be competent to them to remit the cause back to the Sheriff with such instructions as to them shall seem fit, or to the Lord Ordinary on the Bills during vacation or the Christmas Recess.

10. Lord Ordinary on Bills to review during Vacation.

And be it Enacted, That if the Court of Session shall not be sitting at the time when the said Reclaiming Note has been lodged, the cause shall forthwith be enrolled in a roll to be kept for that purpose in the Bill Chamber; and the Lord Ordinary on the Bills shall, on a certain day to be specified in that roll, hear parties *vivâ voce*, and pronounce judgment; and the said Lord Ordinary shall possess, for the purposes of this Act, the same powers which are competent to the Inner House; but declaring, that the judgment of the said Lord Ordinary shall be subject to review, in manner hereinafter mentioned.

11. Judgment of the Lord Ordinary on the Bills subject to review.

And be it Enacted, That it shall be competent for any party aggrieved by any judgment pronounced by the Lord Ordinary on the Bills to bring the same under the review of the Inner House, by a Reclaiming Note, provided notice be duly made to the Agent of the Respondent; and the Inner House shall then proceed with all despatch to hear parties *vivâ voce* thereon, and to give judgment, or issue such orders as may be necessary for the decision of the cause.

12. Power to the Sheriff, and to the Court of Session, to grant Interim Protection or Liberation.

And be it Enacted, That it shall be lawful for the Sheriff, where the Petitioner shall be in prison, on production of a copy of the said Gazette, and of the certificate of the intimation having been made as aforesaid, to grant warrant to the Magistrates of the burgh in which the prison is situated, and to the keeper of the prison, to liberate him: Provided always, That before any such warrant is issued, the Petitioner shall lodge in the hands of the Clerk of Court a bond subscribed by him, with a sufficient Cautioner or Cautioners, binding themselves that he shall attend all Diets of Court whenever required, and that under the penalty of such sum as to the Sheriff may appear reasonable; and it shall also be competent for the Sheriff to grant warrant to bring the Petitioner before him for examination, as hereinbefore provided, and also to imprison him again; and such warrant, as well as the warrant of liberation, and the warrant

warrant prohibiting the execution of personal diligence, shall be good and lawful warrants in all parts of *Scotland*, to the effect therein specified, any law to the contrary notwithstanding; and the Court of Session, and in Vacation, or during the Christmas Recess, the Lord Ordinary on the Bills, shall possess power to grant such warrants, under the conditions foresaid: Provided always, That it shall not be competent, where the warrant is granted by the Lord Ordinary on the Bills, to suspend the effect thereof by lodging a Reclaiming Note complaining of the same; declaring, nevertheless, that a Reclaiming Note may be lodged within Six Days from and after the date of the warrant, and that it shall be competent to the Inner House, on hearing parties, to recall the same.

13. Decree to transfer to Trustee moveable Property, or Disposition to be granted.

And be it Enacted, That from and after the said First day of January One thousand eight hundred and Thirty-six, the Decree pronounced by the Sheriff, granting the benefit of *Cessio Bonorum*, shall, without any intimation, operate as a complete conveyance of the Petitioner's moveable property, wherever situated, in favour of any party or parties named by the Sheriff in the Decree as trustee or trustees for behoof of all the creditors, and that without the necessity of any other deed; and provided also, that it shall be optional to the Creditors to require the Petitioner to execute a separate disposition *omnium bonorum*, in such form as they may require, in favour of the said trustee or trustees.

14. Dyvours' Habit abolished, Oath to be taken, and renewed Application where Cessio refused in hoc statu.

And be it Enacted, That from and after the said First day of January One thousand eight hundred and Thirty-six, it shall not be lawful to ordain the Petitioner to wear the Dyvour's Habit; and he shall be bound to take an oath, in the same terms as the oath hitherto administered in processes of *Cessio* in the Court of Session: Provided, that if the decree of *Cessio* be refused *in hoc statu* by the Sheriff, it shall be lawful for the Petitioner, at any time thereafter, to apply by new petition to have decree of *Cessio* pronounced in his favour.

15. Sheriff Clerk to transmit List of all Processes of Cessio to Keeper of Record of Inhibitions.

And be it Enacted, That every Sheriff Clerk shall annually, on the First of February, transmit a list of all the Processes of *Cessio* which have been determined in the Sheriff Court during the preceding year, with the Names of the Applicants, the Amount of Debts, of Funds, and of Losses, in terms of Schedule (B.), to the Keeper of the Record of Inhibitions; and the same shall be patent to all Persons wishing to consult the same, on payment of a fee of One Shilling; and in the event of the Sheriff Clerk failing to do so, he shall forfeit the sum of Five Pounds, to be deducted from any accounts given in by him to the Court of Exchequer.

16. Regulation of Appeals to the House of Lords.

And be it Enacted, That nothing herein contained shall be construed as excluding an appeal to The House of Lords against the Judgment of the said Inner House, either granting or refusing decree of *Cessio*.

17. No Fee-fund Dues exigible.

And be it Enacted, That no Fee-funds dues shall be exigible in respect of any of the proceedings mentioned in the Act; any law or statute to the contrary notwithstanding.

SCHEDULES

SCHEDULES to which this ACT refers.

SCHEDULE (A.)

A. B. [*designation*], having petitioned the Sheriff of
for Decreet of *Cessio Bonorum*, the Sheriff has ordained him to lodge a state of his affairs within Three days from this date, and appear before him for examination upon the day of

Edinburgh } 1835. }

SCHEDULE (B.)

NAME of APPLICANTS.	DATE of PETITION.	AMOUNT of DEBTS.	AMOUNT of FUNDS.	AMOUNT of LOSSES.	DATE of JUDGMENT of SHERIFF.	Whether Cessio was awarded or refused.

6 WILL. IV.—Sess. 1835.

III.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For extending the Jurisdiction of Sheriffs in *Scotland* to the Process of *Cessio Bonorum*.

(*Prepared and brought in by*
The Lord Advocate, Mr. Attorney General and Mr. Solicitor General.)

Ordered, by The House of Commons, *to be Printed,*
10 *August* 1835.

A

B I L L

To allow, for a limited period, the Importation of certain Articles, Duty free, into the Island of Dominica, and to indemnify the Governor and others for having permitted the Importation of such Articles Duty free.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble.

WHEREAS the Island of Dominica, in the West Indies, has recently been visited with a most violent and destructive Hurricane, whereby the Inhabitants of that Island have experienced very great distress, in consequence of which it is deemed expedient to permit for a limited time the Importation into that Island, in Vessels of all Nations, of Lumber, Shingles, Flour, Beef, Pork and Fish, Duty free; BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *passing of this Act* Lumber, Shingles, Flour, Beef and Pork, shall and may be imported into the said Island Duty free until the *Twenty-eighth day of July One thousand eight hundred and Thirty-five*; and that all Fish which may have been imported Duty free under any Proclamation of the Governor of the said Island is hereby declared to be free of Duty accordingly.

1. Lumber, &c. may be Imported Duty free.

2. Governor and Collector, &c. of the Customs indemnified.

And be it further Enacted, That the Governor of the said Island, and the Collector and other Officers of the Customs in the said Island, and all Persons whatever acting or having acted under their orders and directions, shall be and are hereby indemnified for any orders which they may have respectively given upon or after the days on which the hurricane in the said Island took place, by reason of which any Duty that was then legally due and payable on the importation into that Island of Lumber, Shingles, Flour, Beef, Pork and

and Fish ceased to be levied and collected, and for any omission on their parts to cause such Duty to be levied and collected since such days.

3. Act may be continued by Order in Council.

And be it further Enacted, That it shall be lawful for His Majesty, by Order in Council, to continue in force the provisions of this Act until the *day of* *One thousand eight hundred and Thirty-five.*

5 WILL. IV.—Sess. 1835.

A

B I L L

To allow, for a limited period, the Importation of certain Articles, Duty free, into the Island of Dominica, and to indemnify the Governor and others for having permitted the Importation of such Articles Duty free.

(Prepared and brought in by Mr. Baring & Mr. Chancellor of the Exchequer.)

Ordered, by The House of Commons, *to be Printed,*
10 *June* 1835.

17 *March* 1835.

A

B I L L,

INTITULED,

AN ACT to indemnify the Governor-General and other Persons in respect of certain Acts done in the Administration of the Government of the *British* Territories in the *East Indies* subsequent to the Twenty-second day of April One thousand eight hundred and Thirty-four, and to make those Acts valid.

Note.—*The Figures in the Margin denote the number of Presses in the Ingrossment.*

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1 WHEREAS under and by virtue of an Act of Parliament made and passed in the fourth year of the reign of His present Majesty, intituled, "An Act for effecting an Arrangement with the *East India* Company, and for the better Government of His Majesty's *Indian* Territories, till the Thirtieth day of April One thousand eight hundred and Thirty-four," the superintendence, direction and control of the whole Civil and Military Government of all the *British* Territories and Revenues in *India* is vested in a Governor-General and Councillors, styled "The Governor-General of *India* in Council;" and it is thereby enacted, that there shall be Four ordinary Members of the said Council, to be appointed by the Court of Directors of the said Company, as therein mentioned; and it is thereby enacted, that the Person who should be Governor-General of the Presidency of *Fort William* in *Bengal* on the Twenty-second day of April One thousand eight hundred and Thirty-four, should be the first Governor-General of *India* under that Act, and that such Persons as should be Members of Council of the same Presidency on that day should be respectively Members of the Council constituted by
2 that Act; and it is also enacted, that the said Council shall from time to time assemble at such Place or Places as shall be appointed by the

Preamble:

3 & 4 W. 4. c. 85.

said Governor-General in Council within the said Territories; and various provisions are made for the administration of the Government of the said Territories, all of which it is thereby enacted shall commence and take effect from and after the Twenty-second day of April then next; (that is to say) from and after the Twenty-second day of April One thousand eight hundred and Thirty-four: And whereas by a Commission under the Seal of the Honourable the *East India* Company, bearing date the Twenty-seventh day of December One thousand eight hundred and Thirty-three, duly issued by order of the Court of Directors of the said Company in that behalf, the said Court did appoint Lord *William Cavendish Bentinck* to be Governor-General of *India*, to take upon himself the said Office upon and from the Twenty-second day of April One thousand eight hundred and Thirty-four; and did further appoint *William Blunt*, esquire, *Alexander Ross*, esquire, *William Byam Martin*, esquire, and *Thomas Babington Macaulay*, esquire, to be respectively the first, second, third and fourth ordinary Members of the said Council; and by another Commission bearing the same date, the said Court did appoint Sir *Charles Theophilus Metcalfe*, baronet, to be Governor of the Presidency of *Agra*, which P esidency is by the said recited Act directed 3
to be constituted, to take upon himself the said Office upon and from the said Twenty-second day of April One thousand eight hundred and Thirty-four: And whereas under and by virtue of the former appointments of the Court of Directors of the said Company at the time of issuing the said Commissions, and from thence until the Twenty-second of April One thousand eight hundred and Thirty-four, the said Lord *William Cavendish Bentinck* was Governor of the Presidency of *Fort William* in *Bengal*, and the said Sir *Charles Theophilus Metcalfe* and the said *William Blunt* and *Alexander Ross* were respectively Members of the Council of the said Presidency, and in virtue of he provisions of former Acts, the said *Charles Theophilus Metcalfe* was also Vice-President of the said Council: And whereas on the said Twenty-second day of April One thousand eight hundred and Thirty-four, the said Lord *William Cavendish Bentinck* was, in consequence of ill health, at *Ootacamund*, in the Presidency of *Madras*, and the said Sir *Charles Theophilus Metcalfe* and the aforesaid *William Blunt* were at *Calcutta*, and the said *Alexander Ross*, *William Byam Martin* and *Thomas Babington Macaulay* were not in the *East Indies*, and Lieutenant-Colonel *William Morrison*, who had been appointed by the said Court a Provisional Councillor of *India*, was in *Mysore;* and for these 4
and other reasons the Government of the said Presidency and other the Territories belonging to the *East India* Company in *India* was administered for a Time otherwise than in accordance with the said recited Act; and it is expedient that the said Lord *William Cavendish Bentinck* and Sir *Charles Theophilus Metcalfe* and *William Blunt*,

and

and all other Persons by whom the said Government was so administered, and all Persons acting under the order of them or of any or either of them, should be indemnified in manner hereinafter mentioned, and their acts rendered valid;

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the said Lord *William Cavendish Bentinck*, Sir *Charles Theophilus Metcalfe* and *William Blunt*, and also the several Persons who at any time after the said Twenty-second day of April One thousand eight hundred and Thirty-four were or acted as Members of the Council of *India*, and also all Persons acting under the authority of them or any or either of them, shall be and they are jointly and severally hereby indemnified, freed and discharged from and against all Actions, Suits, Prosecutions and Penalties whatsoever, for or on account or in respect of all or any acts, matters and things whatsoever done, ordered, directed or authorized by the said Governor-General and Vice-President and Members of Council, or any or either of them, or by any Person or Persons acting under the authority of them or of any or either of them; so only and provided that such acts, matters and things shall have been done, ordered, directed or authorized *bonâ fide* in the exercise of the administration of the Government of the *British* Territories in the *East Indies*, between the said Twenty-second day of April One thousand eight hundred and Thirty-four and the First day of January One thousand eight hundred and Thirty-five.

Governor-General, Vice-President, and Members of Council in India, &c. indemnified for all acts done by them between 22d April 1834, and 1st January 1835;

And be it further Enacted and Declared, That all such acts, matters and things shall be as valid and effectual, and shall be and be deemed to be of as much force, validity and effect as if the same had been expressly authorized by the said recited Act.

and such acts to be valid.

A

B I L L,

INTITULED,

AN ACT to indemnify the Governor-General and other Persons in respect of certain Acts done in the Administration of the Government of the *British* Territories in the *East Indies* subsequent to the Twenty-second day of April One thousand eight hundred and Thirty-four, and to make those Acts valid.

Ordered, by The House of Commons, *to be Printed,*
17 *March* 1835.

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A

B I L L,

INTITULED,

AN ACT to authorize the Court of Directors of the *East India* Company to suspend the Execution of the Provisions of the Act of the Third and Fourth WILLIAM the Fourth, Chapter Eighty-five, so far as they relate to the Creation of the Government of *Agra*.

[Note.—*The Figures in the Margin denote the Number of Presses in the Ingrossment.*]

1 WHEREAS by an Act of Parliament made and passed in the fourth year of the reign of His present Majesty, intituled, "An Act for effecting an Arrangement with the *East India* Company, and for the better Government of His Majesty's *Indian* Territories, till the Thirtieth day of April One thousand eight hundred and Fifty-four," it is among other things enacted, that the Territories then subject to the Government of the Presidency of *Fort William* in *Bengal* shall be divided into Two distinct Presidencies, one of such Presidencies, in which shall be included *Fort William* aforesaid, to be styled The Presidency of *Fort William* in *Bengal*, and the other of such Presidencies to be styled The Presidency of *Agra*: Preamble: 3 & 4 W. 4. c. 85.

And whereas much difficulty has arisen in carrying such Enactment into effect, and the same would be attended with a large increase of Charge; BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT it shall and may be lawful for the Court of Directors of the *East India* Company, under the direction and control of the Board of Commissioners

I. East India Company enabled to suspend Provisions of recited Act as to the Divi-

sion of the Territories into Two Presidencies.

Commissioners for the Affairs of *India*, to suspend the execution of the provisions of the said in part recited Act, so far as the same relate to the division of the said Territories into Two distinct Presidencies, and to the measures consequent thereupon, for such time and from time to time as the said Court of Directors, under the direction and control of the said Board of Commissioners, shall think fit.

2. Governor General, during such Suspension, may appoint a Lieutenant Governor of the North-western Provinces.

And be it further Enacted, That for and during such time as the execution of such provisions aforesaid shall be suspended by the authority aforesaid, it shall and may be lawful for the Governor General of *India* in Council to appoint from time to time any Servant of the *East India* Company, who shall have been Ten Years in their service in *India*, to the office of Lieutenant Governor of the North-western Provinces now under the Presidency of *Fort William* in *Bengal*, and from time to time to declare and limit the extent of the Territories so placed under such Lieutenant Governor, and the extent of the authority to be exercised by such Lieutenant Governor, as to the said Governor General in Council may seem fit.

3. Power of Court of Directors to suspend or revoke Councils, &c. repealed.

AND whereas it is enacted by the said in part recited Act, that it shall and may be lawful for the said Court of Directors, under such control as is by that Act provided, to revoke and suspend, so often and for such periods as the said Court shall in that behalf direct, the appointment of Councils in all or any of the said Presidencies, or to reduce the number of Councillors in all or any of the said Councils, and that during such time as a Council shall not be appointed in any such Presidency, the Executive Government thereof shall be administered by a Governor alone: AND whereas it is expedient to repeal such Enactment; BE it therefore Enacted, That the same shall be and the same is hereby Repealed.

4. Who shall constitute the Council of Fort William.

And be it further Enacted, That the Three Ordinary Members of the Council of *India* appointed by the said Court of Directors from amongst such Persons as shall be or shall have been Servants of the said Company, and the Extraordinary Member of the said Council, being the Commander in Chief of the said Company's Forces in *India*, or the Commander in Chief of the Forces on the *Bengal* Establishment, shall constitute the Council of the Presidency of *Fort William* in *Bengal*.

5 WILL. IV.—Sess. 1835.

A

B I L L,

INTITULED,

AN ACT to authorize the Court of Directors of the *East India* Company to suspend the Execution of the Provisions of the Act of the Third and Fourth WILLIAM the Fourth, Chapter Eighty-five, so far as they relate to the Creation of the Government of *Agra*.

Ordered, by The House of Commons, *to be Printed,*
6 *April* 1835.

22 *August* 1835.

A

B I L L

To enable *James Silk Buckingham*, late of *Calcutta*, in the *East Indies*, to recover Compensation from the *East India* Company, for the Loss and Damages sustained by him by the suppression of The *Calcutta* Journal, of which he was a Proprietor.

WHEREAS *James Silk Buckingham*, a *British* Subject, resided at *Calcutta*, in *Bengal*, from the Year One thousand eight hundred and Eighteen to the Year One thousand eight hundred and Twenty-three, and during that time, by the expenditure of large sums of money, amounting in the whole to about the sum of Twenty thousand Pounds sterling, and by great labour and exertion established a Daily Journal or Newspaper, called, "The *Calcutta* Journal," and which Journal in the Year One thousand eight hundred and Twenty-three had become a very valuable Property, and then yielded a very large Income and Profit, amounting annually to about the sum of Eight thousand Pounds sterling: Preamble.

And whereas in the said Year One thousand eight hundred and Twenty-three, the said *James Silk Buckingham* was the sole Editor of such Journal, and was beneficially entitled to Three hundred and Thirty Shares therein as Proprietor, the whole having been divided into Four hundred Shares, of the value of One thousand Sicca Rupees, or upwards of One hundred Pounds sterling each:

And whereas the Governor-General of *India* for the time being, disapproved of an article which appeared in the said Journal in the said Year One thousand eight hundred and Twenty-three, but did not cause any prosecution or criminal proceeding to be instituted against the said *James Silk Buckingham* in respect of such Publication, but did by his own authority banish the said *James Silk Buckingham* from *India*:

And

And whereas after such banishment the Governor-General of *India* for the time being did, by the exercise of his own authority, and without any prosecution or criminal proceeding, cause the said Journal to be wholly suppressed, and refused to permit any Person to publish the same so long as the said *James Silk Buckingham*, although absent from *India*, should continue to possess any interest in the same or derive any benefit therefrom, and by the exercise of such power and authority on the part of the Governor-General of *India* as before mentioned, in suddenly suppressing the said Journal, all the capital embarked therein, and all the gains and profits which would have arisen from the continuance of the said publication, were wholly destroyed and lost to the said *James Silk Buckingham*, to the amount in value of the sum of Forty thousand Pounds sterling :

And whereas the whole of the matters and things hereinbefore recited have been proved before a Select Committee of the House of Commons, which, on the Fourth of August last, reported their Resolutions and Evidence to the House, declaring that Compensation ought to be made to the said *James Silk Buckingham* for the losses hereinbefore described :

And whereas it is just that the said *James Silk Buckingham* should receive Compensation for the great loss and damage sustained by him by the measures aforesaid ; but the said *James Silk Buckingham* is wholly destitute of any remedy by the ordinary course of law to recover the same :

And whereas the *East India* Company have refused to act upon the Report of the said Select Committee of the House of Commons, or to make any Compensation whatever to the said *James Silk Buckingham*, in respect of such loss and damage as has been proved to have been sustained by the measures aforesaid ; and it is therefore just and expedient that in the absence of all other means of obtaining redress, Compensation should be awarded by the authority of Parliament :

And whereas the Compensation which the said *James Silk Buckingham* is entitled to receive amounts to the sum of

Be it therefore Enacted, by The KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT it shall and may be lawful to and for the Court of Directors of the said *East India* Company, and the said Court of Directors are hereby authorized and empowered and required to pay to the said *James Silk Buckingham*, his executors, administrators,

1. East India Company empowered to pay the sum of £. to James Silk Buckingham,

administrators or assigns, the sum of Pounds, in satisfaction and compensation for the loss and damage sustained by him, as before recited and described. for losses sustained by him.

2. Payment to be made without Fees, and within the time allotted herein.

And be it further Enacted, That the said Court of Directors shall and they are hereby required to make such payment as aforesaid to the said *James Silk Buckingham*, his executors, administrators or assigns, without any fee or deductions whatever and within the space of from the date of the passing of this Act.

3. Power given to James Silk Buckingham, to sue for same in Courts of Law.

And be it further Enacted, That it shall and may be lawful for the said *James Silk Buckingham*, his executors, administrators or assigns, to sue for and recover the said sum of as a just debt due to him from the said *East India* Company, by the ordinary process and course of the law, in any of His Majesty's Courts of Law at *Westminster*.

4. Public Act.

And be it further Enacted, That this Act shall be taken and deemed to be a Public Act, and shall be judicially taken notice of as such, by all Judges, Justices and others, without being specially pleaded.

A

B I L L

To enable *James Silk Buckingham*, late of *Calcutta*, in the *East Indies*, to recover Compensation from the *East India* Company for the Loss and Damages sustained by him, by the suppression of the *Calcutta* Journal, of which he was a Proprietor.

(Prepared and brought in by Mr. Tulk and Mr. Hume.)

Ordered, by The House of Commons, *to be Printed,* 22 *August* 1835.

363 century

31 *July* 1835.

A

B I L L,

INTITULED,

AN ACT for protecting the Revenues of vacant Ecclesiastical Dignities, Prebends, Canonries and Benefices without Cure of Souls, and for preventing the Lapse thereof, during the pending Inquiries respecting the state of the Established Church in *England* and *Wales*.

Note.—*The Figures in the Margin denote the Number of Presses in the Ingrossment.*

Preamble.

1 WHEREAS His Majesty was pleased, on the Fourth day of February last, to issue a Commission to certain Persons therein named for considering the State of the Established Church in *England* and *Wales* with reference to Ecclesiastical Duties and Revenues, which Commission has since been renewed, and such renewed Commission is now in force, and the inquiries thereby directed are now in progress, and some time must elapse before the same can be brought to a termination: And whereas His Majesty has been graciously pleased to signify, that, in order to promote the important objects of the said Commission, it is His Majesty's intention to defer any nomination to any vacant Dignity, Prebend, Canonry or Benefice without cure of souls, which may be in the patronage of the Crown, until the circumstances connected therewith shall have undergone the consideration of the said Commissioners; and the Two Archbishops, and divers of the Bishops of *England* and *Wales*, have declared their intention of pursuing the same course with regard to similar Preferments in their respective patronage (excepting only the Dignity of Archdeacon), and a similar declaration has been made by certain other Patrons: And whereas several Dignities; Prebends, Canonries and Benefices without cure of souls
2 have become vacant since the said Fourth day of February last, and

others

others may become vacant pending the said inquiries now in progress; and it is expedient that the same should remain vacant until it shall be decided in what mode they can be disposed of so as to be made most conducive to the efficiency of the Established Church; and with that view it is necessary to provide that due care be taken of the Revenues of such Dignities, Prebends, Canonries and Benefices, and that the Right of Presentation or Collation thereto shall not lapse by reason of delay in such Presentation or Collation; **Be it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT where any Dignity, Prebend, Canonry or Benefice without cure of souls, being in the Patronage of His Majesty, or of any Archbishop, Bishop or other Patron in *England* or *Wales*, has become vacant since the said Fourth day of February last, or shall become vacant during the existence of the said Commission now in force, or of any renewal thereof, all profits and emoluments which have arisen or accrued, and which shall arise and accrue from every such vacant Dignity, Prebend, Canonry or Benefice, until a successor shall have been appointed thereto, whether from houses, lands, tithes or hereditaments to the same belonging, or from rents, fines, compositions, dividends or other emoluments belonging to any Chapter or other aggregate Body of which the deceased Dignitary, Prebendary, Canon or Incumbent was a member, shall be paid to the Treasurer for the time being of the Governors of the Bounty of Queen ANNE, in as full and ample manner as such deceased Dignitary, Prebendary, Canon or Incumbent, if he had lived, or his Successor if duly appointed, inducted or installed, would be entitled to receive the same; and such Treasurer shall, for the purpose of enforcing payment of all such profits and emoluments, have and enjoy all legal rights, powers and remedies, whether by action, suit or distress, as the case may be, which would belong to such successor: Provided always, That such Treasurer shall not have the power of granting any Lease, or of presenting to any Benefice with cure of souls: Provided also, That such Treasurer shall not be answerable or accountable for any monies payable by virtue of this Act, which shall not have been actually received by him.

1. Profits of Dignities or Benefices without Cure of Souls becoming vacant during the existence of the Ecclesiastical Commission, to be paid to the Treasurer of Queen Anne's Bounty.

3

2. Treasurer to keep an Account of the Receipts, and allow Expenses.

And be it further Enacted, That such Treasurer shall keep an Account of all Sums received by him under this Act separate from all other Funds in his hands, and distinguishing each Dignity or Benefice in respect whereof the same shall be received, and shall allow all costs, expenses and outgoings which would have fallen on the deceased Incumbent, or may be reasonably incurred in the receipt of or enforcing the payment of the sums received, the amount thereof

4

3/1

thereof being allowed by the Governors of the said Bounty for the time being, and shall retain the balance in his hands until he shall be otherwise ordered by competent authority.

3. Excepting such Profits of Dignities now vacant as are already appropriated.

Provided always, and be it Enacted, That nothing in this Act contained shall apply to or affect any profits or emoluments of any Dignity, Prebend, Canonry or Benefice now vacant, which shall have been already divided or carried to any particular account, according to the statutes, customs or usages of the Cathedral or Collegiate Church in which such dignity may be founded.

4. Not to prevent Patrons from appointing, if they think proper to do so.

Provided also, and be it Enacted, That nothing in this Act contained shall prevent His Majesty or any Archbishop, Bishop or other Person, having the patronage of any Dignity, Prebend, Canonry or Benefice without cure of souls, which may have or hereafter shall become vacant, from appointing a successor thereto in case he shall think proper to do so.

5. Providing for the Presentation to Benefices in the Patronage of such vacant Dignity, &c.

And be it further Enacted, That where any Benefice with cure of souls, being in the Patronage of the Holder or Incumbent of any such Dignity, Prebend, Canonry or Benefice as aforesaid without cure of souls, shall have become or shall become vacant during the vacancy of such last-mentioned Dignity, Prebend, Canonry or Benefice, the Patron of such last-mentioned Dignity or Benefice shall be entitled for this turn only to present to such Benefice with cure or souls.

6. Right of Presentation to vacant Dignity or Benefice not to lapse.

And be it further Enacted, That the right of Presentation or Collation to any Dignity, Prebend, Canonry or Benefice without cure of souls so become or becoming vacant as aforesaid, shall not, by reason of any delay in presenting or collating thereto, lapse to any Bishop or Archbishop, or the King's Majesty; any law or custom to the contrary notwithstanding: Provided always, That the Patron of such vacant Dignity, Prebend, Canonry or Benefice shall, within Six Months after the vacancy, give notice thereof in writing to the Commissioners hereinbefore mentioned, who shall transmit a copy of such Notice to the said Treasurer; and the said Treasurer shall, upon receipt thereof, forthwith proceed to demand, collect and receive, and shall during the time that such Dignity or Benefice shall remain liable to the provisions of this Act, continue from time to time to demand, collect and receive the profits and emoluments as they shall respectively become due and payable, and shall diligently use and exercise all the powers and authorities hereby to him given for duly and regularly enforcing the payment thereof.

Treasurer of Queen Anne's Bounty to collect the Profits of the vacant Beneficee, &c.

6 WILL. IV.—Sess. 1835.

A

B I L L,

INTITULED,

AN ACT for protecting the Revenues of vacant Ecclesiastical Dignities, Prebends, Canonries and Benefices without Cure of Souls, and for preventing the Lapse thereof, during the pending Inquiries respecting the state of the Established Church in *England* and *Wales*.

Ordered, by The House of Commons *to be Printed,*
31 *July* 1835.

3½

17 *August* 1835.

A

B I L L

For making one of the Prebends in the Collegiate Church of Saint Peter, Westminster, subservient to the Spiritual Wants of the Parish of Saint Margaret's, Westminster.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS His Majesty was graciously pleased to issue a Commission under the Great Seal, bearing date the Fourth day of February last, appointing certain Persons therein named "to consider (amongst other things) the state of the several Cathedral and Collegiate Churches in England and Wales, with a view to the suggestion of such measures as may render them conducive to the efficiency of the Established Church:"

And whereas a vacancy having occurred in one of the Prebendal Stalls in the Collegiate Church of Saint Peter, Westminster, His Majesty was further graciously pleased to signify to the said Commissioners his readiness to make such arrangements with respect to the said Preferment as should appear to them best calculated to effect the important objects of the said Commission:

And whereas the said Commissioners, on the Seventeenth day of March last, reported to His Majesty, that upon inquiry, they had ascertained that the Parish of Saint Margaret, Westminster, which adjoins the said Collegiate Church, has no individual Rector nor Vicar, but that the Dean and Chapter of the said Collegiate Church are the Rectors thereof, and are bound to provide for the cure of souls in the said Parish, which they generally do by committing the same to one of their own body; and the said Commissioners in their said Report, with the

consent and concurrence of the said Dean and Chapter, recommended that the said Church of Saint Margaret should be permanently annexed to the said vacant Prebend; and that certain other arrangements should be made, hereinafter set forth and provided, touching the application of the Profits and Emoluments of the said Prebend, so as to make the same subservient to the spiritual wants of the said Parish, and also relating to a certain Chapel, called Broadway Chapel, within the said Parish and belonging to the said Dean and Chapter:

And whereas, since the making of the said Report, His Majesty has been pleased to grant the said then vacant Prebend to the Reverend Henry Hart Milman, clerk, and the said Dean and Chapter have also committed to him the cure of souls of the said Parish of Saint Margaret, and constituted him Curate or Chaplain thereof, and granted to him all tithes, priests offerings, emoluments, rights and advantages whatsoever within the said Rectory, arising to the said Dean and Chapter so long as he shall continue Prebendary of the said Collegiate Church:

And whereas one of the Prebendal Houses belonging to the said Dean and Chapter has been appropriated to him according to the rule of option in that behalf existing in the said Chapter:

And whereas it is expedient that the arrangement so proposed by the said Commissioners should be carried into effect; **Be it Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

1. Rectory of St. Margaret, Westminster, to be permanently united with one of the Prebends of St. Peter.

THAT from and after the *passing of this Act* the Rectory of the said Parish Church of Saint Margaret, Westminster, shall be permanently united and annexed, and for ever hereafter held in conjunction with the said Prebend, now held by the said Henry Hart Milman; and that the said Henry Hart Milman and his successors, Prebendaries of the said Prebend, shall, without any further grant, presentation, institution or induction to the said Church, become ipso facto Rectors of the said Parish and Parish Church, and entitled in full right to all profits and emoluments to the Rector thereof belonging, and bound to perform all rights and services, and to do all things which to the Rector of the said Church do or shall belong; and shall be subject to the jurisdiction of the Bishop of London, and to that of the Archdeacon of Middlesex, in as full and ample manner as the Rector or Curate of any other Parish in the same Diocese or Archdeaconry.

2. Prebendal House as soon as same becomes vacant, to become the residence of Rector of St. Margaret.

AND whereas the House of Residence so as aforesaid appropriated to the said Henry Hart Milman is not sufficient for the Minister of the said Parish, and it is fit that a suitable House of Residence shall be assigned to the said Minister as soon as such shall become vacant, and

shall

shall thenceforth become permanently annexed to the said Prebend; BE it therefore Enacted, That the Prebendal House now enjoyed by the Reverend William Henry Edward Bentinck, as one of the Prebendaries of the said Collegiate Church, so soon as the same shall next become vacant, shall be exempted from the established rule of option now subsisting, and shall become permanently annexed to the said Prebend now held by the said Henry Hart Milman, and shall thenceforth become the House of Residence for the Rector of the said Parish of Saint Margaret for the time being; and that from thenceforth the said Henry Hart Milman and his successors in the said Prebend shall cease to have any option of Prebendal Houses, any rule or custom to the contrary notwithstanding.

3. Vacant Prebend's share of profits to the Chapter to be divided into Twelve parts, Seven parts only of which to be paid to Prebend's Incumbent;

And be it Enacted, That (except as hereinafter excepted) when and so often as, according to the statutes or usages of the said Dean and Chapter, any Division shall be made of the Profits and Emoluments to the said Chapter, from whatsoever source accruing, the share thereof which shall, according to such statutes or usages, be found and declared to belong to the said Prebend or to the Person holding the same, instead of being paid by the Treasurer for the time being of the said Dean and Chapter to the said Henry Hart Milman and his successors, shall be by such Treasurer divided into *Twelve* equal parts, and that *Seven* only of such *Twelve* parts shall be paid to or for the use of the Incumbent of the said Prebend for the time being, and that *Five* other parts thereof shall be set apart and reserved for the purposes and subject to the provisions and directions hereinafter contained.

4. The other Five parts to be reserved and paid over to Governors of Queen Anne's Bounty.

And be it Enacted, That for so long a time as is hereinafter provided, the said *Five* parts so set apart and reserved shall be from time to time paid over to the Treasurer for the time being of the Governors of the Bounty of Queen Anne, who shall receive and hold the same for the purposes hereinafter described.

5. When new Church erected, the patronage to vest in His Majesty, and Rector to receive Four of the Five parts so reserved.

AND whereas it is in contemplation to build a second Church within the said Parish of Saint Margaret; BE it Enacted, That when and so soon as such Church shall have been built and consecrated, and a District shall have been assigned thereto by His Majesty's Commissioners, appointed under the Acts for building and promoting the building of additional Churches, the patronage of the Rectory of such Church shall be for ever vested in His Majesty, His heirs and successors; and such Rector having been duly presented, instituted and inducted thereto, shall be entitled to, and shall thenceforth receive as part of the income of his benefice, *Four* of the said *Five* parts so set apart and reserved as aforesaid, which shall thenceforth cease to be paid by the Treasurer of the said Dean and Chapter to the Treasurer of the said Bounty, and

shall be paid by the said first-named Treasurer to the Rector for the time being of such District Church.

6. When Lease of Broadway Chapel shall be determined, the same to become a Chapel of Ease, and the Curate to receive the remaining One of the Five parts of the reserved profits.

And be it Enacted, That so soon as the Lease now subsisting in the said Chapel, called Broadway Chapel, shall be determined by effluxion of time, surrender or otherwise, the same shall become a Chapel of Ease to the said Parish of St. Margaret, and a District shall be assigned thereto; and that the said Henry Hart Milman and his successors, Rectors of the said Parish for the time being, shall, whenever a vacancy of such Chapel shall occur, nominate to the Bishop of London a fit and competent Clerk to be admitted as perpetual Curate of the said Chapel, who shall have the cure of souls within the District so to be assigned thereto, and shall be entitled to and shall receive as part of the income of the said Chapel, the remaining *One* of such *Five* parts so set apart and reserved as aforesaid, which shall thenceforth cease to be paid by the Treasurer of the said Dean and Chapter to the Treasurer of the said Bounty, and shall be paid by the said first-named Treasurer to the Perpetual Curate for the time being of such Chapel.

7. Application of the accumulation of the said profits so reserved, in case of occurrence of events provided for.

And be it Enacted, That subject to the application and payment of the same or any part thereof upon the occurrence of the said two last-mentioned events respectively, the said *Five* parts so set apart and reserved as aforesaid, shall accumulate in the hands of the said Treasurer of the said Bounty, and shall be applied by him in the first place to the payment of the Rent of a convenient House of Residence for the said Henry Hart Milman and his successors, such House to be approved of by the Bishop of London, until he or they shall obtain possession of the Prebendal House to be permanently assigned to him and them as aforesaid, or so much of such Rent as shall exceed the Rent received by him or them for the House falling to him or them by option as aforesaid, the amount of the sum so to be paid being fixed by the said Bishop; and in the second place, to the building of a fit House of Residence for the Rector of the said intended District Church; and the said Treasurer of the said Bounty shall, from time to time, pay and apply to the said purposes respectively the said accumulations, or any portions thereof, subject to and under such directions as may be agreed and determined upon by the said last named Commissioners, with the consent of the said Bishop of London.

8. Treasurer of Queen Anne's Bounty to keep an Account of Funds under this Act separate from other Funds.

And be it Enacted, That the said Treasurer of the said Bounty shall keep an account of all sums received and paid by him under this Act separate from all other Funds in his hands, and that he shall be allowed under the directions of the Bishop of London for the time being all costs and expenses which may have been properly incurred by him in executing the provisions of this Act, and if after fully executing the same

same, any balance shall remain in his hands, he shall retain the said balance until he shall be otherwise ordered by the Governors of the said Bounty with the consent of the said Bishop of London.

And be it Enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices and others. Public Act.

6 WILL. IV.—Sess. 1835.

A

B I L L

For making one of the Prebends in the Collegiate Church of Saint Peter, Westminster, subservient to the Spiritual Wants of the Parish of Saint Margaret, Westminster.

(Prepared and brought in by
Lord John Russell and Mr. Chancellor of the Exchequer.)

Ordered, by The House of Commons, *to be Printed,*
17 *August* 1835.

7 *July* 1835.

(Ireland.)

A

B I L L

For the better Regulation of Ecclesiastical Revenues, and the promotion of Religious and Moral Instruction in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble.

WHEREAS, with a view of rendering the Incomes arising from Tithes more certain in amount, and more easy of collection, several Acts have been from time to time passed, for the establishment of Compositions for Tithes throughout Ireland; but the interposition of Parliament is further necessary, in reference to various circumstances peculiar to that part of the United Kingdom:

And whereas, His Majesty has been pleased to issue a Commission, bearing date the fifth day of August in the fifth of His Majesty's reign authorizing and directing the Persons therein named, to inquire whether adequate Provision is now made for the religious Instruction, and for the general Education of the People of Ireland:

And whereas it appears by the first Report of the Commissioners named in such Commission, that in some parishes there are no members of the Established Church, and in other parishes few such members:

And whereas it is just and necessary for the establishment of peace and good order in Ireland, and conducive to religion and morality, that after adequate provision made for the spiritual wants of the members of the Established Church, the surplus Income of such Parishes shall be applied to the moral and religious education of the people, without distinction of religious persuasion; and also, that the said Compositions for Tithes shall be made payable by persons having a perpetual estate or interest in the lands subject thereto, a reasonable deduction

being made upon the amount thereof, in consideration of the greater facility and security of collection arising out of such transfer of the liability to the payment thereof, from the occupying tenantry to the owners of such estates or interests:

Be it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the right of all Persons in and to all Tithes or Compositions for Tithes heretofore accrued, or at any time hereafter to accrue due in Ireland shall wholly cease and determine: Provided, That nothing herein contained shall extend to any arrears of Compositions heretofore accrued due and payable to or by any Person entitled to the receipt, or bound to the payment of the same by virtue of any such Certificate of Agreement as is mentioned in an Act passed in the second and third year of His present Majesty's reign, intituled, "An Act to amend three Acts passed respectively in the fourth, fifth, and in the seventh and eighth years of the reign of his late Majesty King GEORGE the Fourth, providing for the establishing of Compositions for Tithes in Ireland, and to make such Compositions permanent:" And provided further, That nothing herein contained shall extend to any Compositions for Tithes, the right whereto may be vested in His Majesty under the provisions hereinafter following, nor to any Tithes or Compositions for Tithes, for the recovery whereof any suit action or other proceeding shall have been commenced, previous to the *Twentieth* day of *March in this present year*, in any court of law or equity, but that the plaintiff shall be at liberty either to prosecute such action or other proceeding, or to discontinue or stay the same, at his option, and if he shall think fit to discontinue or stay the same, and if such Tithes or Compositions for Tithes shall have accrued due for the year *One thousand eight hundred and Thirty-four*, then and in such case he shall be entitled to the like relief as other Persons entitled to Tithes or Compositions for Tithes for that year may have under the provisions of this Act.

1. Compositions for Tithes abolished, except arrears due by or to undertaking Landlords, and except arrears due by Persons having perpetual estates or interests in the Land, for the year 1834.

Saving for pending Suits.

2. All Lands subject to the payment of Tithe Compositions, charged with an annual Sum by way of Rent-charge, equal to Seven-tenths of such Compositions, to be payable by the party having the first Estate of Inheritance, &c. in such Lands.

And be it Enacted, That every parcel of land charged with, or in respect whereof the said Tithe Compositions, or any applotment or assessment thereof would have been payable if this Act had not been made, shall be and become severally liable to and charged with the payment of an annual sum or rent-charge equal to *Seven-tenths* of the annual amount of such Tithe Compositions, and that such rent-charges shall be payable by the Party having in such lands respectively the first estate of inheritance, or other estate or interest equivalent to a perpetual estate or interest as hereinafter defined, under which, or derived wherefrom there shall be no such perpetual estate or interest according to the quantity of such lands comprised in each such estate or interest, and that the first payment of such rent-charges shall become

become due on the *First* day of *December* in this present year, and the subsequent payments thereof on the *First* day of *November* in each succeeding year: Provided, That although such Tithe Compositions may have been separately applotted or assessed upon different portions of such lands, the lands comprised in each such estate or interest shall be charged with the annual payment as aforesaid of one entire sum, by way of rent-charge, equal to seven-tenths of the gross annual amount of such several Applotments or Assessments: And provided further, That the amount of such rent-charges shall be computed on the gross amount of such Tithe Compositions, as stated in the Certificates thereof respectively, without regard to any deduction of *Fifteen* Pounds per centum to which any Person who may have undertaken the payment of such Tithe Compositions would have been entitled.

3. What shall be deemed equivalent to an Estate of Inheritance or perpetual Estate.

And be it Enacted, That any estate or interest held under any deed or instrument containing any provision, contract or covenant for the perpetual renewal thereof, and any estate or interest held for any term of years whereof at least *One hundred* shall be to come and unexpired on the *Thirtieth* day of *November One thousand eight hundred and Thirty-five*, and any estate held by lease or demise immediately from and under any Archbishop, Bishop or other Ecclesiastical Person in any lands belonging to the See or other spiritual promotion or dignity of such Archbishop, Bishop or other Ecclesiastical Person, or under the Ecclesiastical Commissioners for Ireland, being parcel of the lands vested, or which may become vested in them under the Provisions of an Act made in the third and fourth years of the reign of His present Majesty, intituled, "An Act to alter and amend the Laws relating to the Temporalities of the Church in Ireland," shall be deemed and taken to be, for all purposes relating to the said rent-charges, equivalent to a perpetual estate or interest; and that each tenant in dower or tenant by curtesy, and each Person having under the limitations of any settlement, by deed, will, Act of Parliament or otherwise, any estate for life, or other particular estate thereby created or limited, out of or in any estate of inheritance, or out of or in any such equivalent estate as hereby defined, shall be during such his interest, liable to the payment of such rent-charge, as fully to all intents and purposes as if he were seised of or entitled to the whole estate in such inheritance or perpetual interest.

4. If Leases under the Laws now in force be free of Tithes, the Estate held thereunder shall not be liable to Rent-charge.

Provided, and be it Enacted, That where by the laws now in force in Ireland any Person shall be entitled to hold under any lease or demise the lands thereby demised free from the payment of Tithes or Composition of Tithes, he shall not be liable to the payment of the said rent-charge, but the Party having the first estate of inheritance, or other equivalent estate or interest, as before described, expectant or in reversion upon such demise, shall be liable to such payment: And

On determination of any Estate chargeable with Rent-charge, the next Estate shall become chargeable.

provided further, That in case of the forfeiture, surrender, or other determination of any estate or interest, the owner whereof may be liable to the payment of such rent-charge as aforesaid, the Party having the first estate of inheritance, or other equivalent estate or interest, as before described, in remainder or reversion upon such estate or interest so forfeited, surrendered or determined, shall become liable to the said payment of such rent-charge: And provided further, That in case of any such devolution of interest, no more than the amount of one year's arrear of rent-charge shall be a charge on the lands subject to the payment of such annual rent-charge.

5.
If any Person who would have been liable to Tithe Composition, hold mediately or immediately under the Person liable to such Rent-charge, the amount of such Rent-charge may be recovered as Rent from the next Tenant, and so downwards to the Person primarily liable.

And be it Enacted, That whenever any Person who would have been liable to the payment of any Composition for Tithes, if this Act had not been made, shall hold the lands in respect whereof such Composition for Tithes would have been so payable as tenant or sub-tenant under the Person liable to the payment of such rent-charge as aforesaid, then and in such case an annual sum equal to the amount of such rent-charge shall be payable to the Person so liable to the payment of such rent-charge by the next immediate lessee holding under him, such sum to become first due on the *First* day of *December One thousand eight hundred and Thirty-five*, and to be then payable by one entire payment, and the like annual sum thereafter in every succeeding year, to be payable at such times and by such quarterly or half-yearly or yearly payments as the rent due and payable by such lessee may be reserved and made payable, and together therewith, in like manner, to all intents and purposes, as if such sum had been mentioned in the same lease, instrument or demise, and expressly reserved and made payable thereby; and the Person liable to such rent-charge as aforesaid shall have such and the like remedies to enforce payment of such sum, by distress, ejectment or re-entry, or by action of debt, covenant or otherwise, as he may have to enforce payment of the rent reserved by such lease, instrument or demise; and the said next immediate lessee, in case he himself would not have been liable to the payment of such Tithe Compositions as aforesaid, shall be in like manner, and by all such and the like remedies, entitled to receive and recover of and from his immediate sub-lessee such annual sum from time to time accruing due and payable, and so downwards to the Person who would have been primarily liable to the payment of such Tithe Compositions if this Act had not been made: Provided always, That in the case of the land being divided among several lessees or sub-lessees, each of them shall be liable to the payment of no greater portion of such annual sum than may from time to time become due and payable in respect of the land which such lessee or sub-lessee, or any other Person with him jointly, may hold: And provided further, That where any Person would have been liable, under the provisions of any law now in force in Ireland, to make payment of any Composition to

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any Landlord or Person entitled to the receipt of the same by virtue of any such certificate of agreement as is mentioned in an Act made in the hereinbefore recited Act of the second and third year of His present Majesty's reign, such Person liable to make payment of such Composition to the Person entitled thereto by virtue of such certificate, shall be deemed to be within the meaning of this Act the Person primarily liable thereto; and where the lessee or occupier of any lands may be entitled to deduct out of the rent payable by him to his landlord the amount of any Composition, such landlord shall be deemed to be within the meaning of this Act the Person primarily liable thereto.

6. Such Leases, &c. of Tithes, as have now the effect of suspending Compositions, shall determine, and none other.

And be it Enacted, That in any case where the effect of any Composition may be by any law now in force suspended in consequence of any lease of Tithes, or agreement in writing respecting the same, every such lease or agreement having such effect as aforesaid, but none other, shall from and after the *passing of this Act* wholly cease and determine, but without prejudice to the recovery of any sum heretofore accrued due by virtue thereof; and the lands which would, if this Act had not been made, have upon the termination of such lease or agreement become subject to the payment of any Composition for Tithes, shall be and become severally charged with an annual sum or rent-charge, equal to *Seven-tenths* of the amount of such Composition, and an annual sum equal in amount to such rent-charge, shall become payable to the Persons from time to time liable to the payment of such rent-charge, in like manner as hereinbefore provided in cases where the effect of such Compositions shall not have been suspended as aforesaid: Provided nevertheless, That if it shall appear to the said Commissioners of Land Revenues that any payment on account of this present year shall, previous to the passing of this Act, have accrued due by virtue of or under such lease or agreement, the amount thereof shall be deducted from the rent-charge accruing due on the *First* day of *December* in this present year, and the residue only shall be then payable.

7. Rent-charges to be under the management of Commissioners of Land Revenues.

And be it Enacted, That the said rent-charges shall be vested in and payable to His Majesty, for the purposes hereinafter mentioned, and shall be under the management of the Commissioners of Land Revenues, subject, nevertheless, to the control of the Commissioners of His Majesty's Treasury, and shall be collected and paid into the Bank of Ireland by such Receivers or other Persons as shall be appointed by the said Commissioners of Land Revenues for that purpose, in the same manner as the Land Revenues and Rents of the Crown in Ireland; and that the said Commissioners of Land Revenues, Receivers and other Persons authorized by them, shall have the same powers, immunities, exemptions and remedies, (except so far as hereinafter otherwise provided), and give the same or the like security with respect

respect to the same rent-charges, for the collection and recovery thereof; and such Receivers and other Persons, and their respective Sureties, shall be accountable in the like manner and to the like extent, and discharged in the like manner, as if the said rent-charges were parcel of the Rents of the Crown in Ireland, and as if such rent-charges had been included in the several provisions of the Acts now in force for the collection, receipt and payment of the Land Revenues and Rents of the Crown in Ireland: Provided always, That no such rent-charge shall be merged or extinguished by reason of the whole or any part of the land charged therewith, being now or at any time hereafter vested in His Majesty: And provided also, That Accounts of the Receipts and Payments of the said Commissioners of Land Revenues, under or occasioned by this Act, shall be kept distinct from their other Accounts, and that the said Commissioners shall keep a separate Account or separate Accounts with the Bank of Ireland, to which all monies and securities arising from or in respect of the said rent-charge shall be paid; and that separate reports of the proceedings of the said Commissioners under this Act, shall be laid before His Majesty and the Two Houses of Parliament, in the same manner and at the same times as is by law required respecting the Land Revenues of the Crown.

8. Commissioners of Land Revenues, with consent of Treasury, may make Regulations for collection, &c. of Rent-charges.

Provided always, and be it Enacted, That it shall be lawful for the Commissioners of Land Revenues, or any Two of them, with the consent of the Commissioners of His Majesty's Treasury, to make such new or other general or special orders and regulations respecting such collection receipt and payment, and the duties of the Persons who shall be employed in the collection and receipt of the same rent-charges, and the securities to be given by such Persons and their sureties, and for the payment of the monies arising in respect of the said rent-charges into the said Bank of Ireland, as to the said Commissioners of Land Revenues, or any Two of them, shall appear expedient for the purposes of this Act; and that all such orders, regulations and directions shall have the same force as if the same were hereby enacted.

9. Compositions for Tithes may be revised on application to the Commissioners of Land Revenues.

AND whereas it is just and expedient, with a view to a final and satisfactory settlement of the Amount of the said Compositions for Tithes, and the rent-charges payable in lieu thereof, that the calculations on which such Compositions have been established should be subjected to revision where a proper prima facie case for revision may be made out; BE it therefore Enacted, That it shall and may be lawful for any Person or Persons in any parish, who would have been in case this Act had not been made individually or collectively liable to the payment of more than *One-half* of the amount of the whole Composition established in and for such parish, whether the several

sums

sums payable by him or them respectively, shall be or may have been payable to any Party entitled to the receipt of any Composition, or to any Landlord who may have taken upon him the payment of such Composition, at any time within *Six* Weeks after the *passing of this Act*, to apply to the said Commissioners of Land Revenues, on behalf of such parish, for a revision of the Composition established therein; and in like manner it shall be lawful for any Person who would have been in case this Act had not been made entitled to any Composition for Tithes to apply, within the said period of *Six* Weeks, to the said Commissioners, for the revision of such Composition; and notice of every such application shall be once inserted, by or on behalf of the applicant Party, in some newspaper circulating within such parish, within *Ten* Days next after such application shall be made: Provided that where the effect of any Composition may have been suspended previous to the *passing of this Act*, by virtue of any lease or agreement in writing, the owners and occupiers of any lands upon which collectively a sum exceeding *One-half* of the amount of such Composition may have been applotted, shall be deemed and taken to be qualified within the meaning of this Act, to make such application.

10. Grounds on which applications for Revision may be founded, shall be submitted to the Commissioners of Land Revenues for their consideration; and if found sufficient, such Revision shall be allowed.

And be it Enacted, That every such application shall be accompanied by a statement in writing, of the grounds and reasons for making the same, and the material allegations of every such statement shall be verified by some one or more credible Person or Persons, according to the best of their knowledge and belief, on oath before one or more of the Justices of the Peace for the county or one of the counties wherein such parish may be situate (which oath any such Justice or Justices is and are hereby authorized to administer); and if by such statement so verified, the said Commissioners of Land Revenues shall find adequate ground for the revision of such Composition, then and in every such case the said Commissioners shall transmit the statement accompanying each such application to the Lord Lieutenant of Ireland, together with a copy of the Certificate of such Composition to which such statement refers, and a Certificate under their hands that such Composition is proper to be revised, and the said Lord Lieutenant shall cause the same to be revised accordingly in manner hereinafter mentioned: Provided always, That when an appeal from any Certificate of Composition has, before the *passing of this Act*, been decided upon the merits by the Lord Lieutenant and Privy Council, or by any Judge of Assize, it shall not be lawful for the Lord Lieutenant to cause such Composition to be so revised.

11. Barristers to be appointed for the purpose of such Revision.

And be it Enacted, That the said Lord Lieutenant shall, by Warrant under his hand appoint for the duty of revising all such Compositions as shall be so certified to need revision, so many Barristers as he or they may think necessary, of not less than *Six Years* standing at the

Irish Bar, and shall refer each such Composition for revision, together with the Statement and Certificate of such Composition so transmitted to him by the said Commissioners of Land Revenues, to any *Three* or more of such Barristers, and shall appoint the time and place, or times and places at which they shall proceed with such revision, and such Lord Lieutenant shall, at his discretion, direct any such Compositions to be revised consecutively by such *Three* or more Barristers, or that any such Compositions shall be revised simultaneously by any other such Barristers, so that, however, not less than *Three* such Barristers, shall be authorized to proceed with the revision of any such Composition.

12. Rules to be observed in the Revision of Compositions under this Act.

And be it Enacted, That the Barristers so authorized to proceed with the revision of such Compositions shall give public Notice of the several times and places at which, pursuant to such order and direction they will hold Courts for such purpose, as well by advertisement to be inserted at least *Ten* Days previous to each such time in some newspaper circulating within the respective parish or parishes in which each such Composition may have been established, as by notices to be posted on the usual places for posting notices of applications for Grand Jury presentments at Special Sessions for the division or district in which each such parish may be situate; and at the time and places so notified such Barristers shall in open Court proceed to revise each such Composition, and shall in the first place inquire into and ascertain the manner in which each such Composition may have been calculated, and require the Party who may have applied for such revision to specify his or their objections thereto, and to produce evidence in support thereof; and such Barristers having heard all such evidence and objections, and all such other evidence and objections as shall be offered or made by or in behalf of any Party entitled, or who may have been entitled to such Composition, or by or in behalf of any owner or occupier of land subject to such Composition, shall correct any error or injustice which shall appear to them to have occurred in the calculation of such Composition, and make such order for confirming, increasing or decreasing the amount of each such Composition as they shall think just and equitable: Provided always, That if it shall appear to such Barristers that the annual amount of the sums paid or recovered on account of Tithes in any such parish, shall not have varied above *One fifth part* of the average annual amount of the whole during the series of *Seven* Years, with reference whereto such Composition may have been calculated, then and in such case the amount of such Composition shall be fixed according to the average annual amount of the sums so paid and recovered during such *Seven* Years, unless it shall be shown that such payments were made with an admission that the Tithes were of greater value, or that more was due: And provided further, That where any sum shall have been included in computing the amount of any such Composition

composition on the evidence of any promissory note or other instrument or agreement, or of any adjudication made by any Ecclesiastical or other Court or Justices, in default of the appearance of the Party against whom such adjudication may have been made, the said Barristers shall inquire into the real value of the Tithes in respect whereof such promissory note, instrument or agreement, or adjudication may have been made, in all cases where evidence of such value may be produced, and correct accordingly the amount of such Composition: And provided further, That when any sums shall have been added to the average amount of the Tithe paid, or agreed or adjudged to be paid, during any such series of years as aforesaid, the said Barristers shall examine into the sufficiency of the grounds and reasons upon which such addition has been made as set forth in the statement subjoined to the Certificate of such Composition, and shall allow or disallow the same, and deduct or reduce or increase the sum so added, as to them shall seem just: And provided further, That where the Tithes of any land, not having been actually paid or adjudged to be paid during the series of years with reference whereto any Composition may have been calculated, the Tithes of such land may have been estimated or calculated according to the payments made for Tithes of the like kind in the same or any adjoining parish, or according to such information as may have been obtained, the said Barristers shall inquire into the facts and the accuracy of such information, and the fairness of any such estimate, and amend or confirm the calculation of such Composition accordingly: And provided further, That where the amount of any Composition shall have been fixed by agreement, such amount not having been ascertained by any Commissioner or Commissioners, or Umpire, under the provisions of the said recited Acts, and that it shall appear that either of the Parties thereto entered into such agreement in ignorance of any facts the knowledge whereof was material to making an equitable arrangement between them, or under any concealment or misrepresentation of such facts, and that such agreement was unjust, the said Barristers shall inquire into and ascertain and fix the just amount of Composition which ought to be established in lieu of the sum so fixed by agreement: And provided further, That where in the calculation of any such Composition it shall appear to the said Barristers that any sum has been included on account of the Tithes of any land which they shall deem to have been Tithe-free, the said Barristers shall exclude such sums in calculating the amount of such Composition; and if such Barristers shall entertain any doubt or difficulty in determining the exemption of any such land from Tithe, it shall be lawful for the Courts of Chancery and Exchequer in Ireland, upon the Petition of the said Barristers, showing the facts of the case (which said Barristers are hereby requ red to ascertain and state according to the best information they can procure) either to make an order allowing or disallowing such claim of exemption, or referring the matter to any Master, or to the

Chief Remembrancer, with liberty for the Parties interested in the determination of such matter to attend him, and with such other directions as the Court shall deem proper, or to direct such feigned issue or other proceeding as the Court in its discretion may deem proper for ascertaining the exemption or non-exemption of such lands; and in case of any such application to either of the said Courts the said Barristers shall proceed with the revision of such Composition, and fix the amount thereof, without reference to such claim of exemption; provided, that if the matter be determined in favour of the Party claiming such exemption, such Court shall direct the said Commissioners of Land Revenues to reduce the amount of rent-charge payable in lieu of such Composition, and amend the rental of such rent-charges accordingly; and the costs of such petition and reference or other proceedings shall be in the discretion of such Court, and payment thereof enforced against any of the Parties interested in such matter who may appear to litigate the same, by attachment or otherwise, as such Court may direct.

13. Composition may be reduced or increased by agreement between the Landowners and Tithe-owner.

Provided always, and be it Enacted, That if any Party or Parties entitled, or who would have been entitled in case this Act had not been made, to any Composition for Tithes established in any parish shall offer to reduce or increase the amount of any such Composition, and shall signify such offer in writing; stating the amount of the sum or several sums so proposed to be substituted for the amount of such Composition, and if such offer shall be assented to and accepted in writing by a majority in value of the Persons who, if this Act had not been made would have been liable to the payment of the Composition established in such parish, the sum or sums so agreed upon shall be binding on the said Commissioners of Land Revenues, and the said Barristers, and shall be fixed as the amount of such Composition, and the Certificate thereof amended accordingly.

14. Barristers revising Compositions shall make order for payment of the Expenses by such party as they think fit, subject to certain Rules.

And be it Enacted, That the said Barristers shall adjudge the expenses of each Revision, to be paid by the Party or Parties entitled, or who would have been if this Act had not been made entitled to such Composition, and by the Owners or Occupiers of land subject to such Composition, or the rent-charges payable in lieu thereof, in such proportions as to such Barristers shall seem just: Provided always, That if upon such Revision, such Composition shall not be reduced *One-seventh* part of the whole, and that such Revision shall have taken place upon the application of such Owners or Occupiers of land, the whole of such expenses shall be paid by them, and that if such Composition shall not be increased *One-seventh* part of the whole, and that the revision thereof shall have taken place upon the application of any Party entitled, or who would have been entitled if this Act had not been made, to such Composition, the whole of such expenses shall be paid by such Party: And provided further, That it shall be lawful for the said Barristers to direct the payment of such costs as shall seem to them fitting by either

either of the Parties to such Revision to the other of such Parties, in cases where, in the discretion of such Barristers, such payment may be proper and just.

15. Barristers shall transmit their award to the Lord Lieutenant, to be laid before the Commissioners of Land Revenues, who shall amend Rentals of Rent-charges and Applotments accordingly.

And be it Enacted, That such Barristers, having made such order and adjudication as aforesaid, shall transmit the same, attested under their hands, or the hands of any *Two* of them, together with the copy of the Certificate of the Composition to which the same may relate, to the said Lord Lieutenant, who shall cause the same to be delivered to the said Commissioners of Land Revenues; and such Commissioners shall cause the certificate and applotment of such Composition, and the rental of the rent-charges payable in lieu thereof, to be amended if necessary according to such order; and such amendment shall take effect from and after the *First* day of *November* last past, but shall be without prejudice to any Arrears of Composition theretofore due and recoverable under the provisions of this Act.

16. *Lord Lieutenant may order advances from the Consolidated Fund to defray the Expenses incurred in Revision of Composition.*

And be it further Enacted, That it shall and may be lawful for the said Lord Lieutenant to order and direct that any such sum or sums of money as he or they may think necessary, shall from time to time be advanced out of the produce of the Consolidated Fund arising in Ireland for defraying the expenses to be incurred in the revision of such Compositions as aforesaid under the provisions of this Act, not exceeding the sum of Two hundred Pounds, with respect to any one parish, and that all such advances shall be made to such Persons, at such times, in such manner, and under such rules and regulations as shall from time to time be ordered and directed by such Lord Lieutenant, and as shall be signified in the usual manner by the Chief Secretary, or in his absence by the Under Secretary.

17. Barristers may compel attendance of Witnesses.

And be it Enacted, That the said Barristers holding any such Court shall have power to adjourn the same, and the revision of each such Composition, from time to time, and from place to place, as they may think proper, subject to the orders and directions of the said Lord Lieutenant, and for the purpose of revising such Compositions as aforesaid, such Barristers shall have, and they are hereby invested with all and every the powers and authorities which it is by the said recited Acts provided that any Commissioner or Commissioners acting thereunder may use and exercise for ascertaining and fixing the amount of any Composition to be established under the provisions of the said Act; and the said Barristers shall have power and authority to call before them, by a summons in writing under the hands of any two of them, and to examine the respective Commissioner or Commissioners, or Umpire by whom each Composition may have been established, or any other Person, whether interested or not interested in the matter of such Revision, whom they judge fit and necessary to examine touching the matter of such Revision; and they shall also have authority to require

such Commissioners or Umpire, or any other Person, having in his or their possession or power any books, papers, writings, accounts or other documents, material to the calculation of such Composition, or to the revision thereof, to produce the same; and the said Barristers shall have power and authority to administer an oath or affirmation to any Person who may be so summoned, or to any witness who may be tendered; and all such Persons so summoned before such Commissioners, are hereby required to give evidence and information accordingly; and if any Person so summoned, whether personally or by notice left at his usual residence, shall not attend pursuant to such summons, or shall decline or refuse to give evidence, or shall refuse to produce any books, papers, writings, accounts or other documents of which the said Barristers may lawfully require the production, it shall be lawful for such Barristers either to make application to any of His Majesty's Superior Courts at Dublin for an attachment against such Person, which attachment shall issue out of such Court accordingly, on due proof by affidavit of the service of such summons, and the default of the Person so summoned, and be proceeded with in like manner, and with the like penal consequences to the Party disobeying such summons, as if the same had been a subpœna ad testificandum or duces tecum issuing out of such Superior Court, or it shall be lawful for such Barristers, or any of them, to make application to any Justice of the Peace, and any such Justice shall, upon complaint upon oath made to him by any one such Barrister, convict such Person summarily in such penalty not exceeding *Fifty* Pounds, as such Justice shall think fit, and in default of payment, commit such Person to the gaol of the county or place in which such Justice shall have jurisdiction, for any period not exceeding *Three* calendar months.

18. Barristers may allow Expenses to Witnesses not interested in the matter.

And be it Enacted, That where any Person who may have acted as a Commissioner or Umpire in the establishment of any such Composition, or any other Person, not being a party interested in the matter of such revision, either as the Owner or Occupier of land subject to such Composition, or as a party who would have been entitled to the receipt thereof if this Act had not been made, shall appear before the said Barristers, and be by them required to give evidence, it shall be lawful for such Barristers to order such reasonable allowance to be paid to such Person for his expenses and trouble and loss of time, as they may think proper; and such order shall be made under the hands of *Two* at least of such Barristers, and directed to such Person as the said Lord Lieutenant shall appoint to make payments conformably to such orders; and such money shall be paid accordingly, and included in the expenses of the revision of such Compositions, and repaid in like manner, and as part thereof.

19. Witnesses and Barristers how to be paid; and

And be it Enacted, That every Barrister appointed for the duty of revising such Compositions as aforesaid, shall be paid at the rate of *Five*

Five Guineas for every day that he shall be so employed, over and above his travelling and other expenses; and all such Barristers who shall be so employed together shall, after the termination of their sitting at each place, lay or cause to be laid before the said Lord Lieutenant of Ireland, a Statement of the number of days during which they and each of them shall have been so employed; specifying in such account, where more than one Composition may have been revised at one place, the time employed, and the expenses incurred in and about the revision of each such Composition respectively; and such Lord Lieutenant shall make an order for the amount ascertained to be due to each such Barrister as aforesaid, to be paid to him out of the said Consolidated Fund; and the said Lord Lieutenant shall authorize and direct an account to be kept in the office of the Vice-Treasurer of Ireland of the amount of the money so advanced on account of the expenses of the revision of each Composition respectively; and where any expenses shall have been incurred on account of the revision of several Compositions conjointly, the amount of such joint expenses shall be apportioned amongst them in such manner and proportions as the said Lord Lieutenant shall direct; and a certificate of the amount of the money so advanced for or applicable to the expenses of the revision of each such Composition, shall be transmitted under the hand of the Chief or Under Secretary to the said Commissioners of Land Revenues; and in case it shall have been adjudged that the Owners or Occupiers of land within the parish in which such Composition may have been established, should bear such expenses, or any proportion thereof, it shall be lawful for the said Commissioners to assess rateably, according to the amount of rent-charges payable by them respectively, upon the Persons liable to rent-charge in the parish wherein such Composition may have been established, the amount of such expenses, or the proportion thereof adjudged to be paid by them, and to levy and recover the same, together with and in addition to the rent-charges then next payable; and in case such expenses, or any part thereof, shall have been adjudged to be paid by any Party who would have been entitled to any Composition for Tithes if this Act had not been made, the said Commissioners of Land Revenues shall deduct the amount of such expenses, or the proportion thereof adjudged to be paid by such Party, from and out of any payment or payments to be made under the provisions of this Act to such Party, or to any Party claiming such payment or payments in the same right or character, or by and under the same title, or any title derived therefrom; and such Commissioners of Land Revenues are hereby authorized and required to pay over the amount of such expenses so recovered or deducted, pursuant to the order and direction of the Commissioners of His Majesty's Treasury, and the money so paid over shall be applied to replace the sums so advanced out of the said Consolidated Fund.

Expenses of Revision, how to be repaid.

20. Appeals now before Privy Council may be referred to Barristers under this Act.

And be it further Enacted, That it shall and may be lawful for the said Lord Lieutenant to cause such Compositions, concerning which any Appeal is now pending before the Lord Lieutenant and Privy Council, or before any Judge of Assize, and remaining undecided, to be revised by Barristers to be appointed as herein directed, in the same manner and subject to the same provisoes and enactments as are provided and enacted with respect to Compositions to be revised under the provisions hereinbefore contained: Provided always, That the Parties concerned in such Appeals shall not be liable to any other or greater Costs than they would have been if this Act had not been made.

21. Proceedings where the liability of Lands to Rent-charge shall be disputed.

AND forasmuch as the Rent-charges made payable by this Act will be charged upon the lands heretofore subject to the payment of Compositions for Tithes, it is expedient to make provision for the more cheap and convenient determination of the liability to such Compositions; BE it therefore Enacted, That where any Person having any interest in the land whereon any such rent-charge shall appear charged, shall dispute the liability of such land thereto, either by reason of such land having been Tithe-free, or otherwise, it shall be lawful for the Court of Chancery or Exchequer in Ireland, upon the petition of any such Person in a summary way, to make such Order, allowing or disallowing such Claim of Exemption, and to take such other proceedings thereon as are hereinbefore directed in the case of the petition of the said Revising Barristers, or to direct such feigned issue or reference to any Master of the Court, or the Chief Remembrancer, or other proceeding as such Court shall think proper for the purpose of ascertaining whether such lands have been rightfully charged with Tithe Compositions, if this Act had not been made, or if such Composition had not been suspended; and if it shall appear to the Court that such land would not have been rightfully charged with such Composition, it shall be lawful for the said Court to make any Order for the amendment of the Rentals hereinafter mentioned, or any of them, and such Rentals shall and may be amended accordingly.

22. What Prescriptions to be valid in Law, in case of claims of exemption from Tithes.

And be it Enacted, That all claims of Exemption from or Discharge of Tithes or Compositions for Tithes shall, in all cases whatever, be sustained and be deemed good and valid in law, upon evidence showing the enjoyment of the land without payment or render of Tithes, Money or other matter in lieu thereof, for the full period of *Thirty* Years next before the passing of this Act, unless the render or payment of Tithes or of Money, or other matter in lieu thereof, shall be shown to have taken place at some time prior to such *Thirty* Years, or it shall be proved that such enjoyment was had by some consent or agreement expressly made or given for that purpose by deed or writing; and if such proof in support of the Claim of Exemption shall be extended to

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the full period of *Sixty* Years next before the passing of this Act, such Claim shall be deemed absolute and indefeasible, unless it shall be proved that such enjoyment was had by some consent or agreement expressly made or given for that purpose by deed or writing; and where the render of Tithes or Compositions for Tithes might have been, in case this Act had not been made, demanded by any Archbishop, Bishop, Dean, Prebendary, Parson, Vicar or other corporation sole, whether spiritual or temporal, or by the said Ecclesiastical Commissioners, then every such Prescription or Claim shall be valid and indefeasible upon evidence, showing such enjoyment had, as is hereinbefore mentioned, for and during the whole time that *Two* Persons in succession shall have held the office or benefice in respect whereof such render of Tithes in kind might have been claimed, and for not less than *Three* Years after the appointment and institution or induction of a *Third* Person thereto: Provided always, That if the whole time of the holding of such *Two* Persons shall be less than *Sixty* Years, then it shall be necessary to show such enjoyment had, not only during the whole of such time, but also during such further number of years, either before or after such time, or partly before and partly after, as shall with such time be sufficient to make up the full period of *Sixty* Years, and also for and during the further period of *Three* Years after the appointment and institution or induction of a *Third* Person to the same Office or Benefice, unless it shall be proved that such enjoyment was had by some consent or agreement expressly made or given for that purpose by deed or writing.

23. To what cases this Act shall not extend.

Provided always, and be it Enacted, That the provisions hereinbefore contained with the respect to the establishment of claims of exemption from or discharge of Tithes, shall not extend to any case where the Tithes of any land shall have been demised by deed for any term of life or number of years, or where any Composition for Tithes shall have been made by deed or writing by the Person or body corporate entitled to such Tithes, with the Owner or Occupier of the land for any such term or number of years, and such Demise or Composition shall be subsisting at the time of the passing of the Act.

24. Time during which Lands shall be held by Persons entitled to the Tithes thereof to be excluded in the Computation;

Provided, and be it further Enacted, That where any lands or tenements shall have been held or occupied by any Rector, Vicar or other Person entitled to the Tithes thereof, or by any Lessee of any such Rector, Vicar or other Person, or by any Person compounding for Tithes with any such Rector, Vicar or other Person, or by any Tenant of any such Rector or Vicar, or other Person, or by any such Lessee or Compounder, whereby the right to the Tithes of such lands may have been, or may be during any time in the occupier thereof, or in the Person entitled to the rent thereof, the whole of every such time and times shall be excluded in the computation of the several periods of

as also the time during which any Person capable of resisting any claim shall be an Infant, &c.

time hereinbefore mentioned: Provided also, That the time during which any Person otherwise capable of resisting any claim to any such exemption or discharge, as aforesaid, shall have been an infant, idiot, non compos mentis, feme covert or lay tenant for life, or during which any action or suit shall have been pending, and which shall have been diligently prosecuted until abated by the death of any party or parties thereto, shall be excluded in the computation of the periods hereinbefore mentioned, except only in cases where the right or claim is hereby declared to be absolute and indefeasible.

25. What it shall be sufficient to allege in Actions commenced under this Act.

And be it further Enacted, That in all Actions and Suits to be commenced after the passing of this Act, it shall be sufficient to allege that the exemption or discharge claimed was actually exercised and enjoyed for such of the periods mentioned in this Act as may be applicable to the case; and any proviso, exception, incapacity, disability, contract, agreement, deed or writing herein mentioned, or any other matter of fact or law not inconsistent with the simple fact of the exercise and enjoyment of the matter claimed, shall be specially alleged and set forth, and shall not be received in evidence on any general traverse or denial of the matter claimed.

26. No Presumption allowed in support of any Claim for any less period than herein mentioned.

And be it further Enacted, That in the several cases mentioned in and provided for by this Act, no Presumption shall be allowed or made in favour or support of any Claim of Exemption, upon proof of the exercise or enjoyment of the right claimed for any less period of time or number of years than for such period or number mentioned in this Act, as may be applicable to the case and to the nature of the Claim.

27. When Tithe free Lands have been subjected to Composition, such Composition shall be reduced.

And be it Enacted, That where any lands made subject to the Payment of any part of a Composition, shall, by virtue of any decision in law or equity, have been, or at any time shall be declared to be exempt from the payment of Tithes, it shall be lawful for the said Commissioners of Land Revenues to nominate and appoint some proper Person to inquire into and ascertain by examination of the Commissioner or Commissioners, or Umpire, as the case may be, by whom such Composition may have been established, or otherwise, upon the best evidence which can be procured, the sum included in the amount of such Composition on account of the Tithes of such land, and the rent-charges payable out of such parish, under the provisions of this Act, instead of such Compositions for Tithes, shall be reduced proportionably, and the hereinafter mentioned rental thereof, framed or amended accordingly; and the said Commissioners of Land Revenues shall, from time to time, as need may be, certify to the said Ecclesiastical Commissioners, any diminution which may be made in the amount of such rent-charges; and the payments to be made under the provisions hereinafter following, to the Persons who would have been entitled

entitled to Compositions for Tithes, if the same had not been by this Act abolished, shall be diminished accordingly.

28. Persons entitled to Compositions for Tithes shall deliver up to the Commissioners of Land Revenues the attested Copies of Certificates and Applotment Books.

And be it Enacted, That the several Persons entitled to Compositions for Tithes shall, with all convenient speed after the *passing of this Act*, transmit and deliver up to the said Commissioners the Copies of the Certificates of such Compositions, and of the Books of Applotment in the possession of such Persons respectively; and the said Commissioners shall, if need be, cause such Copies to be compared with the Originals thereof, and amended accordingly.

29. Penalty on any Person neglecting to deliver such Documents to Commissioners within a Month from passing of Act.

And be it Enacted, That if any such Person as aforesaid, shall refuse or neglect to deliver to the said Commissioners the Documents hereinbefore mentioned within *One* calendar Month next after the *passing of this Act*, he shall be liable to be sued for the sum of *One* hundred Pounds, to be recovered by an action of debt or information in the name of His Majesty's Attorney General, in any of His Majesty's Superior Courts of Record at Dublin; and the Jury may in any such action find a verdict for the sum of *One hundred* Pounds, or for any sum not less than *Ten* Pounds, as they shall think just; and the defendant against whom such verdict shall be found shall pay the amount thereof, with full costs of suit, to the use of His Majesty.

30. The Commissioners of Land Revenues may amend Applotments

And be it Enacted, That in any case in which it shall appear, to the satisfaction of the said Commissioners of Land Revenues, that the applotment of any Composition is defective, or does not with sufficient precision ascertain the lands and holdings in respect whereof, or the Persons by whom the said rent-charges will be henceforth payable, it shall and may be lawful for the said Commissioners to direct such applotment to be amended; and for that purpose to appoint some one or more skilful Person or Persons, who shall therein have and exercise the like powers, privileges and authorities, and observe the several regulations in the said Acts for establishing Compositions of Tithes expressed and contained, but subject nevertheless to such instructions and directions as the Commissioners shall prescribe for the avoiding any defect, or uncertainty to which the original applotment may have been liable; and such amended applotment shall be returned to the said Commissioners, attested under the hand of the Person or Persons making the same; and the original book of applotment shall be amended accordingly; and such amended book of applotment shall be in the place and stead of the said original book of applotment, and be valid and effectual to all intents and purposes for which the said original book of applotment would have been valid and effectual; and the said Commissioners shall pay to the Person or Persons employed by them for the purposes aforesaid, such remuneration as they shall think reasonable; and

it shall be lawful for the said Commissioners, if they shall so think fit, to assess upon the Persons liable to such rent-charges under any such applotment, the expenses thereof, and to levy and recover the same, together with and in addition to the rent-charges then next payable.

31. Distinct Rentals showing the Rent-charges payable out of the Lands in each parish, shall be framed; and a Certificate of the gross amount, and of the proportions in which such amount may be distributable among the several Persons entitled to Compositions for Tithes out of each parish delivered to the Ecclesiastical Commissioners for Ireland.

And be it Enacted, That the said Commissioners, having duly examined, compared and amended (as need may be) all such copies of certificates and applotments, shall cause to be framed therefrom distinct rentals for each parish, and such rentals shall show the amount of the rent-charges which will by virtue of this Act become payable to His Majesty out of each such parish; and the lands in respect whereof the same will be so payable; and having caused such rentals to be framed, the said Commissioners shall deliver to the Ecclesiastical Commissioners for Ireland, to be by them kept and preserved, a certificate under the hands and seals of any *Two* or more of the said Commissioners of Land Revenues, stating the gross amount of the rent-charges payable to His Majesty out of each such parish, and specifying the proportions in which the Composition for Tithes established therein may have been payable to or divided amongst the Persons entitled thereto, as such proportions may appear by the certificate of each such Composition respectively.

32. The Rental shall be inrolled in the Office where the King's Rentals are preserved.

And be it Enacted, That the said Commissioners of Land Revenues shall cause the said rentals, with such maps and plans thereto annexed as they may think necessary, to be deposited in the office of Record in Ireland in which the original Rentals of the King's Rents are kept, and shall revise and amend such rentals from time to time as they may find necessary; and any Copy or Extract therefrom, attested by the officer in whose custody the same shall remain, and which copies the said Officer is hereby required to grant to any Person applying for the same, on payment of such fee as the said Commissioners shall appoint, shall for the purposes of this Act be admitted in all courts as conclusive evidence of the rent-charges thereby appearing payable to His Majesty under this Act, and of all such matters and things as shall appear by such copy or extract, or be stated therein.

33. Receivers shall give Receipts; and also enter Receipts in a Book to be lodged in the Record Office.

And be it Enacted, That every Receiver to be appointed by the said Commissioners of Land Revenues under this Act shall be appointed by warrant under the hands and seals of *Two* or more of the said Commissioners, and a duplicate of every such warrant, to be in like manner executed, shall be enrolled, within *One* calendar Month after the date thereof, in the Office of Record in Ireland, where the Rentals of the King's Rents shall be preserved; and every such Receiver shall, upon payment of any rent-charge, give to the Person paying the same a full and clear Receipt or Acquittance for what he shall receive under his hand, wherein he shall state the sum so by him received, and for

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what rent-charge, and for what lands, and on what account the same shall be paid to him; and every such Receipt shall be given without fee or reward; and that every such Receiver shall every year prepare a book, wherein he shall enter all the receipts or acquittances by him given for all the aforesaid rent-charge, under his hand, and in the presence of the parties paying the same respectively, which receipts the said parties, or any other Person on their behalf may, without fee or reward, set their names to; and the said Receivers respectively shall yearly return the said books, under their hands and on their oaths, into the Office of Public Records in Ireland, wherein the books of the collection of Quit, Crown or Composition Rents are or shall be deposited, and the same shall there remain and be kept, not only as a charge on such Receivers respectively, but also as a discharge to the subject for all sums thereby appearing to be paid as aforesaid.

34. Rent-charges, how to be recovered.

And be it Enacted, That the said rent-charges shall have priority over all other charges, liens, mortgages and incumbrances whatsoever, and shall and may be recovered by the ways and means hereinafter mentioned, and also by all such other ways and means as any rent-charge payable to His Majesty may be recovered: Provided always, That in any suit, process or proceeding which may be taken for the recovery thereof, costs shall be awarded and paid or received to or by either party, in like manner as in any suit, process or proceeding taken by or between subject and subject.

35. Where Rent-charge in arrear, and the Person liable thereto shall not be in occupation of the Lands charged therewith, or where such Person may not be known, a Court of Equity may order the Rents of such Lands to be received in liquidation of such Rent-charge, &c.

And be it Enacted, That in all cases where any lands charged with the said rent-charge, shall be held or occupied by any Person other than the Person liable, under the provisions of this Act, to the payment thereof, it shall not be lawful to make any distress upon such lands, or upon any other lands, goods or chattels of such Person for such rent-charge, but in all such cases, and also in all cases where the Person liable to the payment of such rent-charge, may not be known to the Receiver, and such rent-charge shall be in arrear and unpaid for the space of *Thirty-one* Days after the same shall have become due, it shall be lawful for a Court of Equity, upon application as hereinafter mentioned, and in default of its being shown to such Court, that the Person in occupation of such land is liable to the payment of such rent-charge, to make an order that the Receiver or other Person authorized by the said Commissioners of Land Revenues, to demand payment of such rent-charge, shall receive the rents or such part of the rents of the lands charged with such rent-charge, as shall be sufficient to pay such rent-charge, and all arrears thereof until the whole of such arrears shall be discharged, together with such fees as shall be appointed by such Court, and also the costs out of pocket of such application, and that out of the sums so received, such fees and costs shall be ordered to be paid; and that such order shall be made upon the Petition and Affidavit of the said

Receiver or other Person authorized as aforesaid, after reasonable time given to show cause; and notice of the intention to make such application shall, *Ten* Days previous to making the same, be served upon the Person or the known Attorney, Agent or Steward of the Person, in receipt of or entitled to such rents, either by delivering such notice to the Party personally, or by leaving the same at his usual place of residence; and that the said Receiver shall be empowered by the said Court, to recover the said rents, or so much thereof as may be necessary, by distress, and all such other remedies as Receivers in any manner appointed by Courts of Equity in Ireland are empowered to recover rents, according to the rules and practice of such Courts respectively.

36. Receivers may distrain in cases where the Person liable to the payment of the Rent-charge is in occupation of the land.

Provided, and be it Enacted, That where the Person liable to the payment of any rent-charge shall occupy the land in respect whereof the same may be payable, it shall and may be lawful for every such Receiver, by himself, or any Person or Persons whom he shall for that purpose depute, to make any distress or distresses for any arrears of such rent-charge which shall be in the collection or receipt of such Receiver, and the goods, chattels and effects so distrained to impound, sell and dispose of in like manner as in case of a distress for any Quit, Crown or Composition Rents payable to His Majesty out of lands in Ireland.

37. Persons liable to Rent-charges, and not paying the same, liable to Interest on the amount.

And be it further Enacted, That if any Person liable to the payment of any rent-charge shall be in arrear for the same for the space of *Three* calendar Months after the same shall have accrued due, every such Person may, at the discretion of the said Commissioners of Land Revenues, be charged and chargeable with interest for such arrear, to be calculated after the rate of *Six* Pounds for every *One hundred* Pounds by the year, from the time at which the same became due up to the time at which the same shall be actually paid; and that such interest may be added to the rent-charge so in arrear as aforesaid, and recovered by the same ways and means, together with all costs and expenses incurred in or about the recovery thereof.

38. Commissioners of Land Revenues may apportion Rent-charges.

Provided always, and be it Enacted, That if any Party liable, in respect of any such estate or interest as aforesaid, to the payment of any such rent-charge, shall at any time be desirous that such rent-charge shall be charged upon any particular part or parts only of the lands subject thereto, or upon any other lands settled or limited to or for the same uses, trusts, intents or purposes, and in the same order and course of limitation, and subject to the same charges, liens and incumbrances, and shall give notice in writing of such desire to the Commissioners, then and in such case it shall be lawful for the said Commissioners to order and direct that the whole of such rent-charge shall

shall in future be exclusively charged upon such part or parts of the said lands as shall be specified in such notice, or upon such other lands as shall be specified therein, and thereupon in the former case such part or parts of the lands originally liable to such rent-charge shall be exclusively subject thereto, and the rest of such lands shall be freed and discharged therefrom, and in the latter case the lands originally liable shall be discharged from the liability to such rent-charge, and the lands substituted in lieu thereof shall become exclusively subject to such rent-charge: Provided always, That the annual value of the part or parts of any such land which shall be so made exclusively subject to such annual payment shall not be less in amount than *Three* times the amount of such rent-charge at the least, and shall be separately described and distinguished in some deed or instrument to be prepared under the direction of the said Commissioners, and deposited in the same place and custody where the original rental containing such rent-charge shall be deposited, under the provisions of this Act, to be preserved and kept therewith, and to be in like manner open to inspection, and copies of or extracts taken therefrom in like manner, and having the like validity and effect as copies and extracts of or from such rental.

39. Tithe-Compositions shall be increased or diminished according to the price of corn during the last Seven years, as compared with the price stated in the Certificates thereof; and the amount of the Rent-charges calculated accordingly; and a little variation according to the price of corn, shall take place every year in the amount of the Rent-charges.

And be it Enacted, That the said Commissioners of Land Revenues shall, before preparing the said Rentals in this present year, ascertain from the Dublin Gazette, the average price of corn during the *Seven* Years now last past, and compare the same with the average price of corn as stated in the original Certificate of the Composition to which each such rental shall refer; and for the purpose of calculating the amount of the rent-charges payable in lieu of each such Composition, the amount of such Composition shall be increased or diminished in such manner and to such extent that the said Composition when so increased or diminished, shall bear the like proportion to the amount of Composition set forth in such original Certificate, as the average price of corn so to be ascertained from the said Gazette shall bear to the price set forth in the said Certificate; and in like manner the said Commissioners shall at such convenient period between the *First* day of *May* and *First* day of *October* in every succeeding year, as they may think fit, ascertain the average price of corn from the Dublin Gazette during the *Seven* previous years, and compare the same with the average price of corn as stated in the original Certificate of the Composition, in lieu whereof each such rent-charge may be payable; and such rent-charges shall be increased or diminished in the same proportion, and the rentals deposited in the office of Record where the King's Rentals are kept shall be altered accordingly; and the said Commissioners of Land Revenues shall from time to time, as need may be, certify to the said Ecclesiastical Commissioners any increase or diminution which may be made in the amount of such rent-charges, and the payments

to be made under the provisions hereinafter following to the Persons who would have been entitled to Compositions for Tithes if the same had not been by this Act abolished, shall be increased or diminished accordingly: Provided, that when the price of any particular species of corn shall be stated in the Certificate of such Composition, the said Commissioners shall ascertain the average price of that species of corn from the said Gazette, and such comparison shall be made between the price thereof as stated in such Certificate, and the price thereof as so ascertained from the said Gazette during each period of *Seven* Years.

40. On 1st December in this present year, and on 1st November in every succeeding year, Ecclesiastical Commissioners to take an account of the gross amount of the Rent-charges accrued due out of each parish, and issue Warrants on the Commissioners of Land Revenues for the amount, subject to a deduction of Sixpence in the pound.

And be it Enacted, That on or as soon as conveniently may be after the *First* day of *December* in this present year, and on or after the *First* day of *November* in every succeeding year, the said Ecclesiastical Commissioners shall cause an account to be taken of the gross amount of the rent-charges then accrued due to His Majesty out of each parish, and a sum equal to such gross amount shall become due and payable in manner hereinafter mentioned to and among the several Persons who would have been at such time entitled to payment of the Composition for Tithes established in each such parish, if the same had not been by this Act abolished; and such sum shall be so due and payable to and among such Persons in the same proportions as such Compositions would have been due and payable among them; and all such Persons shall, in such manner and form as the said Ecclesiastical Commissioners may appoint, make application to the said Ecclesiastical Commissioners, showing their respective rights and interests, and such Commissioners shall examine into and ascertain the same, and deliver or cause to be delivered to each such applicant, or to his order, a warrant expressing the sum to which the applicant receiving the same may be found entitled, deducting therefrom *Sixpence* in the pound for the costs of collection; and every such warrant shall bear date on the day on which the same shall be issued, and shall be addressed to the said Commissioners of Land Revenues, and shall be subscribed by two at least of the said Ecclesiastical Commissioners, and countersigned by the Secretary of such Commissioners, and shall be made in such method and form as shall be deemed most safe and convenient by the said Commissioners of Land Revenues; and all such warrants so to be made out in each year shall be respectively numbered arithmetically, beginning with the number one, and shall be prepared and made out with such cheques, indents or counterparts as shall be directed by the said last-mentioned Commissioners; and at some time previous to the day or days to be appointed as hereinafter mentioned for the payment of such warrants the said cheques, indents or counterparts from which the said warrants shall have been cut, shall be delivered to the Cashier or Cashiers of the Bank of Ireland appointed to pay off the said warrants, and shall remain in the use and custody of such Cashier or Cashiers,

Cashiers, in order to prevent his or their being imposed upon by forged or counterfeit warrants.

41. Rents and sums due by Owners of Tithes, shall be deducted.

And be it Enacted, That where any Person entitled as aforesaid to the receipt of any Composition shall be liable to the payment of any rent or annual sum in respect of such Composition, or of the Tithes to which the same may relate, either to His Majesty or to any other Person, or shall be liable to the payment of the tax payable under the provisions of an Act passed in the third and fourth years of the reign of His present Majesty, intituled, "An Act to alter and amend the Laws relating to the Temporalities of the Church in Ireland," or to any other sum payable to the said Ecclesiastical Commissioners, in respect of any dignity, benefice, office or promotion spiritual, the said Ecclesiastical Commissioners shall, after having ascertained the amount to which such Person may be entitled as hereinbefore provided, subject to the said deduction of *Sixpence* in the pound for the costs of collection, deduct from such net amount so reduced the amount of such tax, rent or sum, or in cases where any lands may be held together with such Tithes at one entire rent, then a proportionate part of such rent, and the residue only shall be expressed in the warrant to be delivered to the Person entitled as aforesaid to such Composition; and the said Commissioners shall deliver or cause to be delivered to the Person entitled to such rent or sum, or to his order, a warrant, wherein the amount of rent so deducted shall be expressed, and shall, when such rent or sum shall be payable to His Majesty, certify the amount deducted as aforesaid to the said Commissioners of Land Revenues, to be by them paid over to the proper account, and in the case of the said tax, or other payment due to themselves, shall deliver to their own Treasurer a warrant addressed to the said Commissioners of Land Revenues for the amount thereof.

42. Present Incumbents to receive a further payment of Five pounds per cent. from the Perpetuity Purchase Fund.

And it is Enacted, That during such period as any Ecclesiastical Person being on the *First* of *December* next the Incumbent of any Benefice, shall continue to hold the same, the said Ecclesiastical Commissioners shall in addititon to each annual payment to be made by warrant as aforesaid, pay to him or the Person claiming in his right the further sum of *Five* Pounds per centum on the amount of any Composition of Tithes, to which, if such Compositions had not been by this Act abolished, such Ecclesiastical Person would have been entitled; and the said Ecclesiastical Commissioners shall make such further payment from and out of the monies accruing to their credit in in the Perpetuity Purchase Fund Account at the Bank of Ireland, or the annual interest or dividends arising therefrom.

43. Corporations aggregate, Incumbents without cure of Souls,

Provided always, That such additional sum of *Five* Pounds per centum as aforesaid, shall not be payable in respect of any Composition

and Lessees of Tithes, excluded the benefit of this additional Payment.

sition for Tithes now belonging to any corporation aggregate, whether appropriated to or enjoyed by the members of such corporation in severalty or in common, nor in respect of any Composition for Tithes belonging to any Ecclesiastical Person not having cure of souls served by such Person himself or by a resident Curate, nor in respect of any Composition for Tithes now under lease.

44. Ecclesiastical Commissioners shall invest the Monies arising in the Perpetuity Fund Account, in Exchequer Bills.

And be it Enacted, That the said Ecclesiastical Commissioners shall cause all such monies as may have accrued, or hereafter accrue to their credit as aforesaid in the said Perpetuity Purchase Fund Account to be invested from time to time, under such regulations as the Commissioners of the Treasury shall direct, in the purchase of Exchequer Bills, and the said Ecclesiastical Commissioners shall have power, with the consent of the said Commissioners of the Treasury, to sell and dispose of the same, as occasion shall arise, and apply the proceeds thereof and the interest arising therefrom to the purpose hereinbefore mentioned.

45. In cases of doubt as to the rights of the Parties entitled to payment, the Ecclesiastical Commissioners may apply by Petition to the Court of Chancery or Exchequer, for its direction.

Provided always, and be it Enacted, That if the said Ecclesiastical Commissioners shall entertain any doubt or difficulty in ascertaining the rights and interests of the Parties respectively entitled to such payments, it shall and may be lawful for the Courts of Chancery and Exchequer in Ireland, upon the petition of the said Commissioners stating the premises, in a summary manner, either to make an order disposing of the matter of such petition, or referring the same to any Master, or to the Chief Remembrancer, with liberty for the Parties to attend him, and with such other directions as such Court shall deem proper, or to direct such feigned issue or other proceeding as the court, at its discretion, may deem proper for ascertaining the rights of the Parties; and in such case the said Ecclesiastical Commissioners shall make out and deliver the warrant for the payment of the money in dispute to the Accountant General of such court, who shall be authorized to receive payment thereof; and the monies paid thereon shall be applied in such manner as such court shall think equitable and just for the benefit of the Party or Parties who shall be found entitled thereto; and in the meantime and until the same shall be so applied such monies shall, by order of such court upon application thereto, be invested by the Accountant General of the said court, without fee or reward, in his name, in the purchase of such public funds or Government Securities as the said court shall direct; and the said Ecclesiastical Commissioners shall have their costs out of the fund to which such petition shall relate; and the costs of any other Party to such petition and reference or other proceedings, shall be in the discretion of such court, and payment thereof enforced by attachment, or otherwise, as such court shall direct.

AND

46. Certificates of Compositions, shall be only primâ facie evidence of the rights of the Persons entitled thereto as between themselves.

AND whereas doubts have arisen with respect to the effect of Certificates for the Composition of Tithes in Ireland made under the authority of the said Acts for establishing such Compositions, as respects the rights or titles of Persons having or claiming to have estates or interests in the Tithes or Compositions to which such Certificates respectively relate; BE it therefore Enacted, That no Certificate under said Acts, or any of them, shall as against any Person claiming any estate or interest in Tithes or Composition for Tithes, such claim by any proceeding at law or in equity, be deemed to be evidence of the right or title of any Person in such Certificate described; and that if it shall be decided by any court of competent jurisdiction that any Person other than the Person, in such Certificate described, or those deriving under such Person would have been entitled to such Composition, or to the Tithes to which the same shall relate, the Person so declared entitled shall be thereupon authorized and entitled to receive the payments accruing due under authority of this Act, in lieu of the Composition in such Certificate mentioned, as if originally named therein; and until such decision, such Certificate and all payments made under the same, shall be good, valid and effectual against all Persons whatsoever.

47. If Warrants defaced, new Warrants may be given instead, and the former Warrants cancelled.

Provided, and be it Enacted, That in case any of the said Warrants shall by any accident be defaced, it shall be lawful for the said Ecclesiastical Commissioners to cause a new Warrant to be made in lieu of the Warrant so defaced, which Warrant so defaced shall be cancelled by the said Ecclesiastical Commissioners, and such Warrant so to be made in lieu thereof shall have the like effect, and in all respects be subject to the same rules, and have and bear the same number, date and principal sum as the Warrant so cancelled.

48. If Warrants lost, others may be issued for the same amount, an Indemnity being given by the Person receiving such other Warrant.

Provided also, and be it further Enacted, That in case proof shall be made on oath by one or more credible witness or witnesses, before any Baron of His Majesty's Court of Exchequer in Ireland, that any Warrant has been by casualty or mischance lost, burned or otherwise destroyed before the same shall have been paid off and discharged, and if by such oath the number and sum of such Warrant shall be ascertained, and such Baron shall certify that he is satisfied with such proof, then and in every such case the said Ecclesiastical Commissioners are hereby authorized to cause another Warrant to be made and delivered for the sum expressed in the Warrant so lost, burned or destroyed; provided that the Person so receiving such other Warrant do give security to the King, to the satisfaction of the said Commissioners of Land Revenues for the sum so expressed, if the Warrant so certified to be lost, burned or destroyed shall be thereafter produced.

49. A time to be appointed for paying off Warrants.

And be it Enacted, That the said Commissioners of Land Revenues shall, as soon as conveniently may be after the *First* day of *January*

in every year, appoint and notify a time or times for receiving and paying off such Warrants respectively, and shall from and out of the produce of the rent-charges payable under this Act, after first defraying thereout the expenses attendant upon the collection and management thereof, and the other costs and expenses of carrying this Act into execution, cause the same to be paid off and discharged accordingly at the Bank of Ireland, together with interest at the rate of *Three half-pence* per centum per diem, on the several sums contained or expressed therein, from the *First* day of *February* in the next year, and from the *First* day of *January* in every succeeding year, until the times so appointed for paying off and discharging such Warrants; and the Cashiers of the Bank of Ireland shall at such time or times pay off the sums contained or expressed in all such Warrants, with interest as aforesaid, as shall be from time to time in course of payment, and take in to be cancelled, as the said Commissioners of Land Revenues shall direct all Warrants so paid off.

50. *All Sums payable under 3 & 4 Will. 4, c. 100, s. 19, remitted and refunded.*

And be it Enacted, That so much of an Act made in the third and fourth years of the reign of His present Majesty, intituled, "An Act for the Relief of the Owners of Tithes in Ireland," and for the amendment of an Act passed in the last Session of Parliament, intituled, "An Act to amend three Acts passed respectively in the fourth, fifth, and in the seventh and eighth years of the reign of his late Majesty King George the Fourth, providing for the establishing of Compositions for Tithes in Ireland, and to make such Compositions permanent," as makes any Person entitled to the Receipt of any Composition for Tithes liable as such to the King's Majesty, for the Repayment by certain instalments of any advances made under authority of the said Act; and also so much of the said Act as provides for the addition of certain sums to the Compositions for Tithes payable out of lands in Ireland, and for the payment thereof, together with and in addition to the said Compositions, and also all provisions in the said Act contained in any way relating to the recovery of such instalments and sums, or enabling any Person liable to the payment of such Compositions to recover against any Person any sum whatsoever on account of such liability, shall be and the same is and are hereby repealed: Provided further, that the Lords Commissioners of His Majesty's Treasury shall by Warrant under their hands direct all such sums as may have arisen to the credit of the Teller of His Majesty's Exchequer in Ireland, on account of the instalments due on the First of November last, under the provisions of the said last-mentioned Act, to be in such manner as they may think fit, repaid out of any Monies in the said Exchequer to the Persons by or from whom any such instalments may have been paid or recovered; and that any Person entitled to the receipt of any Composition for Tithes, who may have received or recovered any sum added thereto by such Act shall repay the amount of such addition to the Person by or against whom payment

payment of the sum so added to the said Composition may have been made or enforced, and in like manner any Person liable to the payment of the said Composition for Tithes, who may have received or recovered any sum whatsoever in right of such liability, shall repay the same to the Person by or against whom payment of such sum may have been made or enforced; and in default of such repayment, it shall be lawful for the Person entitled thereto under this Act, to recover the amount by action of debt or on the case, or if not exceeding Twenty Pounds by Civil Bill in the Court of the Assistant Barrister for the county in which the Defendant may reside, or in the Court of the Chairman of the Sessions of the Peace for the county of Dublin, when the Defendant may be resident in such county: Provided always, That no proceeding taken or thing heretofore done under the provisions of the said Act hereby repealed, shall be deemed, notwithstanding the repeal thereof, to have been unlawful.

51. The residue of the Money applicable to the relief of the Owners of Tithes under the said Act, shall be paid to the Ecclesiastical Commissioners, and applied, together with the Sums arising to credit of the Account hereinafter mentioned, in payment of the Arrears of Compositions due for 1834.

AND whereas it was by the said last recited Act provided, That Exchequer Bills to an amount not exceeding One Million Pounds in the whole, should be issued and applied to the Relief of the Owners of Tithes or Compositions for Tithes, for the years One thousand eight hundred and Thirty-one, One thousand eight hundred and Thirty-two, and One thousand eight hundred and Thirty-three, in Ireland, in manner by the said Act directed: And whereas, in pursuance thereof, Exchequer Bills to the amount of Pounds have been so issued and applied, and it is expedient to apply the residue of the said sum of One Million Pounds now remaining unappropriated, together with the sums to be recovered under the provisions hereinafter following, from Persons now owing arrears of Compositions for Tithes, and having perpetual estates or interests in the lands out of which the same have accrued due, and the other sums arising to the credit of the account hereinafter mentioned, to the indemnification of Persons who may not have received payment of Compositions for Tithes accrued due for the year last past, that is, for the year One thousand eight hundred and Thirty-four; BE it therefore Enacted, That it shall and may be lawful for the Commissioners of His Majesty's Treasury, to issue and advance, or cause to be issued or advanced to the Ecclesiastical Commissioners for Ireland, out of the produce of the Consolidated Fund of the United Kingdom, the sum of Pounds, to be by such Ecclesiastical Commissioners placed to the Account hereinafter directed.

52. Persons who may not have received payment of their Compositions for 1834, shall apply for Relief by Memorial, such Relief not to extend to Compositions payable

And be it Enacted, That it shall and may be lawful for any Person entitled, or who would have been entitled if this Act had not been made, to any Compositions for Tithes accrued and now remaining due, and payable in Ireland for the year One thousand eight hundred and Thirty-four, to make application at any time within Two calendar Months next after the passing of this Act to the Lord Lieutenant of Ireland, in His Majesty's Privy Council there, praying relief in respect of such Composition

by undertaking Landlords.

position for Tithes; and such application shall be made by Memorial, with a Schedule thereunto annexed, to be prepared and verified in manner by the said last recited Act directed, in respect of applications for relief to be made thereunder, provided that it shall not be lawful to include in any such Memorial and Schedule any Composition for Tithes, the payment whereof may have been agreed for and undertaken by any Person under the hereinbefore recited Act of the second and third years of His Majesty's reign; and provided further, that in the Schedule to be annexed to each such Memorial, the applicant shall specify and distinguish, according to the best of his knowledge and belief, the Tithe Compositions to which he shall claim to be or have been so entitled, if any, payable by Persons having respectively in the lands in respect whereof of the said Compositions may have accrued due, such like estates or interests as would, under the provisions hereinafter following, have made the Owners thereof liable to the payment of the rent-charges hereinafter mentioned if this Act had been in force, and such rent-charges payable at the time when such Compositions accrued due; and the said Lord Lieutenant and Council shall cause each such Memorial and Schedule to be revised by such Persons and in such manner, and the several matters and things stated in or appearing thereby proved, upon such evidence as to them shall seem proper; and if they shall so think fit they shall declare the memorialist entitled to relief under this Act; and upon and after such declaration the said Lord Lieutenant shall, by his Warrant in writing, authorize such sum to be paid to each memorialist by the said Ecclesiastical Commissioners as shall be so found to be due to him on account of the Tithes or Compositions included in such Memorial and Schedule, deducting thereout Thirty-two Pounds and Ten Shillings per centum on the amount so found due; and it shall be also lawful for the said Lord Lieutenant to order and direct that such sum or sums as may be necessary to defray the expenses of such Revision shall be paid by the said Ecclesiastical Commissioners to such Persons at such times and in such manner and under such regulations as he shall think fit, to be signified by the Chief or Under Secretary; and in case upon the revision of any such Memorial and Schedule any demand or demands contained therein should appear to have been previously paid or satisfied, or that such Memorial or Schedule should contain any false and wilful misrepresentations, that then and in such case it shall be lawful for the said Lord Lieutenant to direct such proportion of the expenses of such revision as he shall think just to be deducted from and out of any sum to which the Memorialist may be found entitled, and the same shall be deducted by the said Ecclesiastical Commissioners accordingly.

53. Upon application for relief under this Act, Proclamation to be issued, en-

And be it Enacted, That whenever any Person making any such application under this Act shall be declared to be entitled to relief hereunder, the right in and to all such Compositions for Tithes included in such Memorial and Schedule as may have accrued and remain due from or by Persons having such like estates or interests in the land, in respect

respect whereof such Compositions may have so accrued due as would under the Provisions hereinafter following have made the owners thereof liable to the payment of the rent-charges hereinafter mentioned if this Act had been in force, and such rent-charge payable at the time when such Compositions accrued due shall vest in His Majesty, and the said Lord Lieutenant shall issue a Proclamation, to be posted on conspicuous places within the proper parish (whereof the publication in the Dublin Gazette shall be sufficient evidence, as also of such Declaration by the Lord Lieutenant in Council) enjoining and requiring all Persons named and distinguished as Persons having such estates or interests as aforesaid, in the Schedule annexed to such Memorial respectively, to pay to the Collector of Excise of the District wherein such Persons may respectively reside the several sums in such Schedule stated to be due and owing by them severally, or so much thereof as they shall respectively admit to be due, subject to a deduction of Fifteen Pounds per centum; and warning all such Persons that in default of their paying the same within One calendar month from the date thereof, such proceedings as are by this Act warranted will be forthwith taken for the levy and recovery of the entire amount of the sums so remaining due and unpaid by them without any such deduction as aforesaid; and the said respective Collectors of Excise shall give to every party making any such payment a receipt which shall be an acquittance for the monies therein expressed to have been received; and if for the full amount in such Schedule stated, subject to the said deduction of Fifteen Pounds per centum, or for such amount in lieu thereof as His Majesty's Attorney General for Ireland shall direct, such receipt shall be an acquittance for all Composition for Tithe for the said year One thousand eight hundred and Thirty-four, which might be claimed by the Person upon whose application the Proclamation aforesaid may have been issued, or by the Crown in right of such Person under the provisions of this Act.

joining payment of Arrears due by such Persons as would be liable to pay Rent-charges under this Act; subject to a deduction of £. 15 per cent.

Proceedings in case of default.

Collectors of Excise shall give a Receipt to Parties making payment, which shall be a sufficient acquittance.

54.

And be it further Enacted, That upon the expiration of the time in the said Proclamation limited, and in default of payment of the arrears or sum so vested in the Crown as aforesaid, it shall and may be lawful for the said Attorney General to apply in any such case, by petition, either to the Court of Chancery or Exchequer in Ireland; or in any case where the sum sought to be recovered shall not exceed Twenty Pounds, then at the option of the said Attorney General to the Court of the Assistant Barrister of the county or riding where the Person in default shall reside; or if he shall reside in the county of Dublin, to the Court of the Chairman of the Sessions of the Peace for the said county, praying the order of such Court, Assistant Barrister or Chairman against the Person in default for payment of the full amount, without any such deduction as aforesaid of such sums as may be due by him; and the said Courts shall summarily examine into the matter of every such Petition, and for that purpose call before them and examine viva voce any person upon

In default of obedience to Proclamation, an application by Petition of Attorney-General, to be made to the Court of Chancery or Exchequer or Assistant Barrister for an Order against Defaulters for the whole sum due without any deduction.

upon oath, or ascertain the truth by interrogatories or by affidavit, and order the production of any books, papers or writings in the possession of the Parties or any other Person, and thereupon make such order or orders as to such Court shall seem just, and the costs shall be in the discretion of the Court, as if the proceeding was between subject and subject; and in case any Person against whom any such order shall be so prayed shall not, by himself, or some Attorney or Counsel, attend at the time appointed for proceeding upon such Petition, the same shall, as against such Person, be taken, pro confesso, and an order shall be forthwith made as against every such Person for the sum proved, or for such lesser sum as the Court shall award; and the sum expressed in any such order, and the costs, shall be taken to be a debt due to His Majesty, and recovered accordingly.

Court of Chancery or Exchequer or Barrister to examine into the matter of the Petition.

55. *Petition not to abate by death of Parties;*

And be it Enacted, That no objection to any such Petition, on account of the demands thereby sought to be recovered being distinct and multifarious, nor for want of parties or want of form, shall be received; and no such Petition shall abate on account of the death of any of the parties; and in case of any such death the said Attorney General may proceed against the representatives of any Person so dying, having first served them with a notice thereof; and upon its appearing to the Court that such notice had been given, such Court shall inquire into the matter of such Petition as against the representative of any Person so dying, in the same manner as against the said Person were he living, and the said Courts respectively shall proceed thereon accordingly: Provided always, That at least Fourteen Days before any proceeding shall be taken under any such Petition as aforesaid, a notice thereof shall be given to the Person against whom any Order may be thereby prayed unless the Court shall think fit to direct any other or different notice to be given in addition to or in substitution for the same.

Notices of any Proceeding to be taken on such Petition, shall be given to the Party fourteen days previously.

56. *Monies paid or recovered under this Act, to be paid over to the Ecclesiastical Commissioners.*

And be it Enacted, That all Monies received or recovered under authority of this Act, in satisfaction of any Composition for Tithes, or arrears thereof becoming in manner aforesaid vested in the Crown, shall be paid in such manner as the Commissioners of His Majesty's Treasury shall direct to the said Ecclesiastical Commissioners, to be by them placed to the account hereinafter directed.

57. *Costs to Respondents unjustly sued.*

And be it Enacted, That if it shall appear, upon the hearing of any such Petition as aforesaid to any of the said Courts, that any demand or demands contained in any Schedule to any such memorial as aforesaid had been previously paid or satisfied, or was unfounded or unreasonable, then and in such case the amount of such demand, or the excess thereof, shall be deducted from any sum in respect of which the memorialist would have been entitled to relief under this Act, or recovered from him as a debt due to the King; and it shall also be lawful for

for such Court, if it shall think fit so to do at its discretion, to order such sum or sums as shall appear to such Court to be reasonable to be paid by the said Attorney General to the party or parties so wrongfully proceeded against, as costs, such sum or sums to be in like manner as the amount of such demand, or the excess thereof, recovered as a debt to the King, or deducted from any sum to which the memorialist making such unreasonable demand would have been entitled.

58. Upon the next vacancy of the Church of any Parish in which there are not more than Fifty members of the Established Church, such Church may be sequestered.

And be it Enacted, That whenever the Church of any Parish shall, after the *passing of this Act*, become vacant in any manner whatsoever, and that it shall appear to the said Ecclesiastical Commissioners, by the Report of the Commissioners named in the hereinbefore recited Commission, bearing date the Fifth day of August, in the fifth year of His Majesty's reign, that the number of the members of the Established Church in any such Parish does not exceed *Fifty*, then and in every such case the said Ecclesiastical Commissioners shall direct that no appointment of any Clerk to such Church shall be made until the Lord Lieutenant of Ireland, in His Majesty's Privy Council there, shall think fit so to direct; and in the mean time the said Church shall be deemed to be sequestered, and for and during such period as such Church shall remain vacant, all and every the Glebe House, Lands and Premises, and the rents, profits and emoluments thereof from time to time accruing due, and all arrears thereof which may have accrued due since the said Church may have become vacant as aforesaid, and the annual sums which would have from time to time been or become payable by warrant, as hereinbefore provided, if such Church were full, to the Clerk filling such Church, shall, without any writ or process whatsoever, be ipso facto vested in and received by the said Ecclesiastical Commissioners as sequestrators, who shall have all and every the like remedies for the recovery thereof as any Clerk filling such Church might or would have.

59. If such Parish contain no such members of the Established Church, the occasional duty shall be committed to a neighbouring Minister.

And be it Enacted, That in case it shall appear by such Report that there are not any such members of the said Established Church in the said Parish, then and in such case, and for and during such period as aforesaid, the occasional ecclesiastical duties within such Parish shall be committed to and performed by the Incumbent, or officiating Minister of some adjoining Parish, to be nominated by the Ordinary, and such Incumbent or Minister so nominated shall be bound to perform such duties.

60. If there be any members of the Established Church, the cure of souls may either be committed to a neighbouring Minister,

And be it Enacted, That if it shall appear by such Report that there are any such members of the said Established Church in such Parish, but that such number does not exceed *Fifty*, it shall and may be lawful for the said Ecclesiastical Commissioners, either to direct that the ecclesiastical duties and cure of souls in such Parish shall be committed

or a separate Curate appointed.

mitted to and performed by the Incumbent or officiating Minister of some adjoining Parish, or where adequate provision cannot by such means be conveniently made for the spiritual wants of such Parish, and with the approbation of the said Lord Lieutenant in Council, to direct that a separate Curate shall be nominated and licensed for such Parish, and such neighbouring Minister or separate Curate, as the case may be, shall be nominated and licensed by the Ordinary accordingly, and shall perform all ecclesiastical duties, and have the cure of souls within such Parish, for and during such period as the Church of the same shall remain unfilled; and if any such Curate shall be appointed, he shall be subject to removal in the same manner, and with the same right of appeal, as any Stipendiary Curate under the laws now in force.

61. But wherever there is now a Church or Chapel and a Resident Minister in any Parish falling under the foregoing provisions, a separate Curate shall be appointed, how small soever the numbers of the members of the Established Church.

Provided and be it Enacted, That whensoever there shall appear by such Report to be in any such Parish any members of the said Established Church, and it shall likewise appear by such Report that there is a place of worship duly consecrated, and a resident officiating Minister in such Parish, it shall not be lawful, in case the Church thereof shall be so sequestered, to commit the ecclesiastical duties and cure of souls within such Parish to the Incumbent or officiating Minister of any neighbouring Parish; but in every such case a separate Curate shall be nominated and licensed for such Parish in manner hereinbefore provided.

62. The Stipends to neighbouring Ministers charged with the occasional duties, fixed.

And be it Enacted, That when the occasional duties of any Parish, in which there shall appear by such Report to be no members of the said Established Church, shall be committed to the Incumbent or officiating Minister of any adjoining Parish, the said Ecclesiastical Commissioners shall pay to him an annual stipend of *Five* Pounds; and where the ecclesiastical duties and cure of souls within any Parish in which there shall appear by such Report to be some such members of the said Church, but not exceeding *Fifty* in number, shall be committed to the Incumbent or officiating Minister of an adjoining Parish, the said Ecclesiastical Commissioners shall pay to him such annual stipend, not less than *Ten* Pounds nor more than *Fifty* Pounds, as they shall, with the consent and approbation of the said Lord Lieutenant in Council, fix and appoint, due regard being had to the extent of ecclesiastical duties which he may be called upon to perform.

63. The Stipends to separate Curates fixed.

And be it Enacted, That when any separate Curate may be nominated and licensed for any such Parish as aforesaid, the said Ecclesiastical Commissioners shall pay to him such annual stipend, not exceeding *One hundred* Pounds, nor exceeding the net annual value or amount of the profits and emoluments of such Parish, as they shall, with the consent and approbation of the said Lord Lieutenant in Council, fix and appoint,

appoint, due regard being had to the extent of ecclesiastical duties which he may be called on to perform: Provided always, That where there is any Glebe House in any Parish to which any such Curate shall be appointed, and that he shall be desirous of occupying the same, and undertake to keep the same in repair, the said Commissioners shall allow him to occupy such house: And provided further, That where there are any Glebe Lands in any such Parish, it shall be lawful for the said Ecclesiastical Commissioners, with the like consent and approbation, to allot to such Curate such portion of such Glebe Lands as they shall think proper, not exceeding the annual value of *Twenty-five* Pounds.

64. Places of Worship to be provided in Parishes coming under the operation of this Act.

And be it Enacted, That whensoever it shall appear by the said Report, that there are any members of the said Established Church in any such Parish to which a separate Curate shall be appointed and licensed as aforesaid, the said Ecclesiastical Commissioners shall, in case there be in such Parish no place of worship duly consecrated, apply such sum not exceeding *One hundred* Pounds, or pay such annual rent not exceeding *Fifteen* Pounds, as they shall think necessary with regard to the probable extent of the congregation, towards building or providing some place suitable for the celebration of Divine Worship therein; and in cases where the ecclesiastical duties within any such Parish shall be committed to the officiating Minister or Incumbent of any adjacent Parish, the said Ecclesiastical Commissioners shall in like manner apply such sum as they shall deem necessary, not exceeding the amount aforesaid, in building or providing some place suitable for the celebration of Divine Worship in such Parish, if there be none within the same; and if the Church or Chapel of such adjacent Parish is not so situate as to afford convenient accommodation to the inhabitants of such Parish, the Church whereof may be so sequestered.

65, Bishop of Diocese to be associated with the Commissioners in providing for the spiritual wants of Parishes coming under the operation of this Act.

And be it Enacted, That whenever the said Ecclesiastical Commissioners shall propose to provide for the spiritual wants of any such Parish as aforesaid, or to apply any sum in or towards building or providing a place suitable for the celebration of Divine Worship therein, they shall, in every such case, give notice of such intention to the Bishop of the Diocese in which such Parish shall be situate, unless he happen to be one of the said Commissioners; and such Bishop shall be associated with the said Commissioners in determining upon the best mode of carrying the above objects into effect; and may vote upon all questions relating thereto as if he were a Commissioner, and shall be deemed and taken to be for such purposes a Member of the said Corporation of the Ecclesiastical Commissioners for Ireland.

66. Glebe House may be let, unless Curate desire to occupy the

And be it Enacted, That it shall and may be lawful for the said Ecclesiastical Commissioners to demise or let the Glebe House and

same; also Glebe Lands.

Premises, with the appurtenances of every such Parish, for and during such period as the same shall be sequestered as aforesaid, unless a separate Curate shall be appointed for such Parish, and desire to occupy such house as aforesaid; and in like manner it shall be lawful for the said Ecclesiastical Commissioners to demise and let the Glebe Lands of any such Parish for and during such period as aforesaid, or such portion thereof as may not be allotted to any Curate as aforesaid.

67. Commissioners to pay off Charges of suppressed Benefices.

And be it Enacted, That the said Ecclesiastical Commissioners shall and they are hereby required, by such instalments to be made in such manner and at such periods, from and after such vacancy of any such Church, as any Incumbent succeeding thereto would have been bound or liable if this Act had not been made, to pay to and satisfy the Incumbent, or his executors or administrators, as the case may be, by whose promotion, removal, resignation or death such vacancy shall have been occasioned, all any every such sums of money as by force of any law or statute would have been payable to or recoverable by such Incumbent, or his executors or administrators, from or against his successors in such Parish, in case this Act had not been made.

68. Commissioners may recover Sums due to Successors in Benefices;

and also for Dilapidation.

And be it Enacted, That it shall and may be lawful for the said Ecclesiastical Commissioners to recover from such Incumbent, or his executors or administrators, as the case may be, by whose promotion, removal, resignation or death such vacancy shall have occurred, all and every such sums of money as the successor of such Incumbent (if any such had been appointed) could have recovered by force of any law or statute for or on account of dilapidations, incase this Act had not been made; and that the said Commissioners shall have, for ascertaining the extent of such dilapidations, and for the recovery of such money as may be due on account thereof, all such remedies as the successors of such Incumbent could or might have used if this Act had not been passed; and it shall be lawful for the said Ecclesiastical Commissioners to deduct from and out of any money which they may be liable, under the provisions hereof, to pay any such Incumbent, his executors or administrators, such sums as shall be respectively payable by or recoverable from such Incumbent, his executors or administrators, for or on account of such dilapidations, in like manner as the successors of any such Incumbent might have deducted the same under any law or statute if this Act had not been passed.

69. If sequestration of the Church shall be removed, the Incumbent succeeding liable to Charges, or a fair proportion thereof.

And provided also, That if at any time under the provisions hereinafter contained, a Clerk shall be appointed to any such Church so sequestered as aforesaid, it shall be lawful for the said Ecclesiastical Commissioners to recover from such clerk and his successors, his and their executors and administrators, the whole or such proportion as the Lord Lieutenant in Council shall think fit to direct, of any sums so paid

paid or allowed by the said Ecclesiastical Commissioners to the Incumbent, his executors or administrators, by whose promotion, removal, resignation or death, such vacancy shall have been occasioned as aforesaid, which shall be paid and recovered by such instalments, and by such remedies, ways and means, and in the same manner as if the said Ecclesiastical Commissioners had been an Incumbent next in succession to the Incumbent to whom, or to whose executors or administrators, as the case may be, such sums shall have been paid as aforesaid: Provided always, That it shall and may be lawful for every such clerk, his executors or administrators, to receive and recover from his next and immediate successor such sums, by such instalments, ways and means, as if the sum paid by him to the said Ecclesiastical Commissioners had been paid to his next and immediate predecessor in such parish, by virtue of the several laws and statutes relating thereto.

70. In case of Parishes forming part of Unions, the Ecclesiastical Commissioners may, if they think fit, separate such Parishes from the Union, and deal therewith as single Parishes.

And be it Enacted, That if any parish or parishes, or part or parts thereof as aforesaid, in which respectively it shall appear by the said Report that the members of the said Established Church do not exceed fifty, shall be united to any other parish or parishes, or part or parts thereof, it shall be lawful for the said Ecclesiastical Commissioners, on the next avoidance of such union, to disunite and separate such parish or parishes, or part or parts thereof, from the other parish or parishes to which the same shall be then united, in whatsoever manner such union may have been effected; and thereupon such parish or parishes, or part or parts thereof so disunited, shall become subject to the like provisions, and dealt with in all respects in the same manner as any single or entire parish or benefice, in which it shall appear by the said Report that the number of the members of the said Church does not exceed fifty, as hereinbefore provided.

71. If the Union shall be maintained, the Income of the next Incumbent shall be subject to such reduction as the Lord Lieutenant shall direct, with regard to the extent of Duty in the Parishes of such Union, not containing more than fifty Members of the Established Church.

Provided, and be it Enacted, That if it should not appear to the said Ecclesiastical Commissioners expedient to disunite such parish or parishes, or part or parts thereof, from the other parish or parishes of such union, they shall report the circumstances, with their opinion thereon, to the Lord Lieutenant in Council, who shall take the same into his consideration, and if he shall so think fit, direct such parish or parishes, or part or parts thereof, to be disunited from the other parish or parishes to which the same may have been united; and thereupon such parish or parishes, or part or parts thereof, shall become subject to the like provisions as hereinbefore made in the case of single or entire parishes; but if such Lord Lieutenant in Council should approve of the continuance of such union, he shall have power and authority to make such order as he may think proper, for the reduction of the income accruing to the Incumbent of such union, on account of such parish or parishes, or part or parts thereof, in which the members of the said Established Church shall not exceed fifty as aforesaid, due

regard being had to the extent of ecclesiastical duties to be performed within such parish or parishes, or part or parts thereof respectively; and the Incumbent thereof shall be entitled to receive in the annual payments to be made under this Act, only such sum as shall be specified in such order, and to hold no greater proportion of such Glebe Lands than may be specified in such order, and the right and interest in the residue of such Glebe Lands, and in and to the residue of the annual payments accruing due under this Act in respect of such union, shall vest in the said Ecclesiastical Commissioners as sequestrators, to be held and applied by them in like manner as any other Monies or Glebe Lands vesting in them by reason of the sequestration of any Church under this Act.

72. Where Parishes are united to other Parishes not contiguous, they shall be disunited on the next avoidance.

And be it Enacted, That when any parish or part of a parish comprised in any union, is not contiguous to some other parish or part of a parish comprised in such union, such detached parish or part of a parish shall upon the next avoidance of such union, in whatever manner such union may have been effected, be disunited from the other parish or parishes, or parts of parishes forming the same, and become subject to the like provisions, and dealt with in all respects in the same manner as any single or entire parish or benefice.

73. Charges on Unions provided for.

Provided always, and be it Enacted, That where any such parish or parishes, or part or parts thereof, shall be disunited from any union, or the income thereof reduced, and that the Incumbent of such union, by whose promotion, removal, resignation or death, such vacancy shall have been occasioned, or his executors or administrators would have been entitled if this Act had not been made, to receive or recover any sum of money from his successor, on account of any purchase of glebe, or addition to the glebe, or of any buildings or improvements made on the glebe of such union, or any money paid by him to his predecessor on such account, according to the laws in force for such purpose, it shall and may be lawful for the said Lord Lieutenant in Council to ascertain and determine the proportion of such sums to be paid by the said Ecclesiastical Commissioners, and to be by them recovered from any clerk, to be thereafter inducted to such union or parish, as the case may be, under the provisions of this Act, and which sums, when so ascertained as aforesaid, shall and may be paid and recovered accordingly.

74. Glebe House or Church in disunited Parish may nevertheless be used for purposes of Union.

And provided also, and be it Enacted, That in case the Church and Glebe House of such union, or either of them, shall be situate in any such parish which may be separated or disunited from the other parishes of such union as aforesaid, it shall and may be lawful for the said Ecclesiastical Commissioners to make such order as to the use of such Church by the parishioners of the other parishes of such union, and the occupation

pation and enjoyment of such Glebe House and Premises by the Incumbent of such union, as to them shall seem fit, and in case such Incumbent should not occupy such house, it should be lawful for the said Commissioners to let and demise the same; and the said Church House and Premises shall, for all purposes expressed in such order, be deemed to be within and to belong to such union.

75. No Episcopal Union to be made without Notice to the Ecclesiastical Commissioners.

And be it Enacted, That no Archbishop or Bishop shall, from and after the *passing of this Act*, have power or authority to make order for uniting any two or more benefices or parishes together, without *One* Month's previous notice being given to the said Ecclesiastical Commissioners of such his intention, and that within *Fourteen* Days after the receipt of each such notice, the said Commissioners shall report their opinion thereupon to the said Lord Lieutenant in Council.

76. The Income of Parishes which might have fallen under the 116th section of 3 & 4 W. 4, c. 37, shall, if falling under provisions of this Act, be carried to the Reserve Fund.

Provided, and be it Enacted, That although it may happen that Divine Worship may not have been celebrated within *Three* Years next preceding the *First* day of *February One thousand eight hundred and Thirty-three*, in any such parish in which there shall not appear by the said Report to be more than fifty members of the said Established Church; and that the appointment of a Clerk thereto may have been, or might at the next avoidance be, by reason thereof suspended, under the provisions of the said Act of the third and fourth years of His present Majesty, yet that in such case the Tithes, profits or emoluments belonging or appertaining thereto, and all arrears thereof shall not be applied to the purposes in the said Act mentioned, but shall vest in the said Ecclesiastical Commissioners as sequestrators under this Act, and to be by them carried to the Reserve Fund Account in this Act mentioned.

77. For reduction of Benefices whereof the Revenues shall be disproportioned to the Ecclesiastical duty; 3 & 4 W. 4, c. 37.

No Benefice to be reduced below 300*l.* per annum.

And be it Enacted, That when and as the Church of each Parish or Union, howsoever constituted, the income enjoyed by the Incumbent whereof shall exceed the net annual value of *Three hundred* Pounds, as appearing by any valuation made or to be made by the said Ecclesiastical Commissioners for the purpose of imposing the tax payable under the provisions of the hereinbefore recited Act of the third and fourth years of the reign of His present Majesty, shall become vacant in any manner whatsoever, the said Ecclesiastical Commissioners shall inquire into and ascertain, by reference to the hereinbefore recited Report, the extent of ecclesiastical duties belonging to the Incumbent of such Parish or Union, and report the same, together with such facts as they may think important in reference to the circumstances of such parish or union, and the amount of the income of such Incumbent as appearing by such valuation as aforesaid, to the said Lord Lieutenant in Council, who shall have power and authority, in all cases where such income shall appear to be disproportioned to the extent of the said ecclesiastical

tical duties, so to declare, and to make such order for reduction of the annual payments to be made under this Act to the Incumbent of such Benefice, and in respect of the Glebe Lands belonging to such Benefice, as he may think fit, so as the net income shall not be reduced below *Three hundred* Pounds per annum; and from and after such order, and until the same shall be revoked or altered pursuant to the provision hereinafter contained, such Incumbent and his successors shall be entitled to receive in such annual payments only the reduced sum specified in such order, and to hold no greater extent of such Glebe Lands than may be specified in such order, and the right to the residue of such annual payments, and the estate and interest in the residue of such Glebe Lands, shall vest in the said Ecclesiastical Commissioners as sequestrators, to be held and applied by them in like manner as any other Monies or Glebe Lands vesting in them by reason of the sequestration of any Church under this Act.

78. Parishes falling under operation of this Act, not to be filled without Notice.

And be it Enacted, That whenever the Church of any Parish, not appearing by the said Report to contain more than fifty members of the said Established Church, or any union of which any such Parish, or such part of any Parish shall form part, or any union comprising any Parish or part of a Parish not contiguous to some other Parish or part of a Parish included in such union, or any Parish or Union, the annual income enjoyed by the Incumbent whereof may exceed *Three hundred* Pounds, as hereinbefore mentioned, shall, at any time after the *passing of this Act*, become vacant in any manner whatsoever, it shall not be lawful to fill up any such vacancy, or appoint any successor in such Parish, Benefice or Union, until the expiration of *Two* calendar Months after notice in writing of such vacancy shall been given to the said Ecclesiastical Commissioners, by the Corporation or Person having the patronage thereof, or right of appointment thereto; and any appointment which shall be made without such notice previously given, shall be null and void to all intents and purposes; and the said Ecclesiastical Commissioners and Lord Lieutenant and Council, may and are hereby required to exercise all the powers hereby vested in them in relation thereto, in such manner as if the Church of such Parish or Union were vacant.

79. The Ecclesiastical Commissioners shall compensate the Owners of Advowsons coming under the operation of this Act, unless such Advowsons belong to the King or Ecclesiastical Corporations.

And be it Enacted, That whenever the Church of any parish shall be sequestered, or any parish disunited from an union, or any part of the income of any parish or parishes belonging to any union vested in the said Ecclesiastical Commissioners, or the income of any Benefice reduced under the provisions of this Act, and that the right of appointment to any such Parish or Benefice, or any turn therein, shall belong to any Person other than the King, or any Ecclesiastical Corporation sole or aggregate, the said Ecclesiastical Commissioners shall pay to the owner thereof such sum as they shall think fit for the purchase of the

the advowson or right of presentation to such parish, or turn therein, or as a compensation for the reduction of the value thereof; and in case any Person entitled to the advowson of any such Parish or Benefice, or turn therein, shall be dissatisfied with the sum paid or proposed to be paid by the said Commissioners, as and for the purchase of such advowson, or turn or presentation, as a compensation for the reduction of the value thereof, he may apply by Petition to the Court of Chancery, or Exchequer, in Ireland, stating the premises, and praying relief in respect thereof; and thereupon it shall be lawful for such court to make order thereupon, ascertaining the proper amount of purchase or compensation money to be paid by the said Ecclesiastical Commissioners, and such order shall be final and conclusive, and without any appeal therefrom: Provided, That if any Benefice the advowson whereof may belong to the College of the Holy and Undivided Trinity, near Dublin, shall be sequestered or the income thereof reduced under the provisions of this Act, the said Lord Lieutenant in Council shall direct that some Benefice in the gift of His Majesty, and as nearly equal as may be in value to the Benefice so sequestered or reduced, shall be assigned to the said College, and the advowson and right of presentation thereto shall by force of such order vest in the said College in like manner to all intents and purposes as the Benefice so reduced or sequestered.

If Owners dissatisfied, they may apply to the Court of Chancery.

Trinity College to be compensated by having a Benefice in the King's Gift, in lieu of that sequestered or reduced in value.

80. Application of Money, where Owners under disability.

And be it Enacted, That when any such advowson or turn of presentation shall belong to any Infant, Femme Covert, Lunatic, or Person under any disability, or when any doubt or difficulty may arise as to the Person entitled thereto, the said Ecclesiastical Commissioners shall pay the sum payable for such advowson or turn, or as a compensation for the reduction of the value thereof into the Bank of Ireland, with the privity of the Accountant General of the Court of Chancery, to be placed to his credit, ex parte the Person entitled thereto, to the intent that such money shall be applied under the order and direction of the said Court, (to be signified by an order to be made in a summary manner upon a Petition to be preferred by the Party entitled thereto) to the use of such Party, or to be applied upon the same uses, trusts and limitations, and subject to the same powers, conditions, charges and incumbrances as the said advowson, or right of presentation, or turn therein, was vested in, settled upon or subject to, or as near thereto as the nature of the case may admit.

81. If Sequestration be removed, the Advowson to vest in His Majesty.

And be it Enacted, That the advowson or right of presentation to such Benefices or Parishes, the value of the advowsons whereof, or right of presentation whereto, or turns wherein shall be so paid by the said Ecclesiastical Commissioners, or in lieu whereof any Benefice in the gift of His Majesty, shall have been so assigned as aforesaid to the said College of the Holy and Undivided Trinity, near Dublin, shall, in case of the appointment of a Clerk to any such Benefice or Parish being directed to take place, vest in and be exercised by His Majesty.

82. The Ecclesiastical Commissioners shall keep a separate account, to be called, The Reserve Fund Account.

And be it Enacted, That the said Ecclesiastical Commissioners shall make out and deliver to their Treasurer a Warrant, addressed to the Commissioners of Land Revenues, for all such sums as shall from time to time vest in them on account of the annual payments accruing due under the provisions of this Act, and that all such sums as shall be paid under such warrants, together with the annual rents, profits and emoluments of all glebe houses and lands vested in them by reason of the sequestration or reduction of benefices, shall be paid into the Bank of Ireland, and there carried to a separate account, to be called The Reserve Fund Account; and that the said Ecclesiastical Commissioners shall also carry to the credit of the said Reserve Fund Account the sum of and the other sums hereinbefore directed to be paid to them by the Commissioners of His Majesty's Treasury, or pursuant to their order; and the monies so arising to the credit of the said Commissioners in the said account shall be, in the first place, applicable to the payment of all such sums as shall become payable by order of the said Lord Lieutenant of Ireland, as and for the costs and expenses attendant upon the revision of the Memorials and Schedules of Persons applying for relief under this Act, in respect of Tithes and Compositions accrued due and unpaid for the year last past; and, in the next place, to the payment of all such sums as shall under the provisions hereinbefore contained become payable to such applicants; and, in the third place, to the payments of the stipends assigned under the hereinbefore contained provisions to the Curates or Ministers intrusted with the cure of souls, or the performance of Ecclesiastical duties; and to the provision of places of worship in parishes, the Churches whereof may be sequestered under the provisions of this Act; and to the payment of the charges and other sums payable under the hereinbefore contained provisions in respect of such parishes; and to the payment of the annual tax, and any other sums which would have been payable by the Incumbents thereof, if the same had not been sequestered; and to the payment of any Crown rents, port corn rents, pensions and salaries to diocesan schoolmasters, or glebe rents, or proportion thereof, to be fixed and determined as hereinbefore provided; and to the payment of the expenses to be incurred in carrying this Act into execution; and the residue of such monies from time to time accruing in each year to the credit of the said Commissioners in the said Reserve Fund Account, shall be paid to such Persons as the said Lord Lieutenant shall, by warrant under his hand, authorize to receive the same, to be applied to the moral and religious instruction of all classes of the People, without distinction of religious persuasion.

Monies in such Account, how to be applied.

83. Ecclesiastical Commissioners may borrow Money on credit of the Reserve Fund, for the purpose of indem-

Provided, and be it Enacted, That for the purpose of paying for the advowsons of such Parishes or Benefices as may be suspended or reduced under the provisions of this Act, or indemnifying the owners thereof, it shall be lawful for the said Ecclesiastical Commissioners, with the consent of the said Lord Lieutenant, to apply such sums of Money

money arising to their credit in the said Reserved Fund Account as they may find necessary; or to borrow from any Person who may be willing to lend the same on the credit of the said fund, such sum or sums as, with the like consent, they may think proper, and by an instrument, under the corporate seal of the said Commissioners, to charge such fund with the payment of any such sum or sums, together with interest after the rate of *Four* Pounds per centum per annum, on the amount so borrowed; and it shall be lawful for the Lords Commissioners of the Treasury, if they shall so think fit, to lend and advance out of the produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, such sum or sums of money as may be required for such purpose on the credit of the said Reserve Fund, which sum or sums so lent and advanced shall be repaid out of the monies accruing to the credit of the said fund, together with interest after the said rate, in such manner and at such times as the said Lords Commissioners shall fix and appoint.

nifying the Owners of Advowsons.

84. For the removal of the Sequestration or resumption of Income in Parishes when the spiritual wants thereof shall increase.

Provided always, and be it Enacted, That in case the number of members of the said Established Church in any Parish or Benefice shall, at any time after the *passing of this Act*, increase in such manner as that the arrangements made or to be made under the hereinbefore contained provisions shall be found, in the judgment of the said Ecclesiastical Commissioners, inadequate for or disproportioned to the spiritual wants of such Parish or Benefice, or that the ecclesiastical duties in any benefice the appointment of a Clerk whereto may be or have been suspended under the provisions of the said Act of the third and fourth years of the reign of His present Majesty, shall appear to require the removal of such suspension, the said Ecclesiastical Commissioners shall report specially to the said Lord Lieutenant in Council the circumstances of such Parish or Benefice, and make, in such Report, such propositions as to them shall seem expedient for applying a larger portion of the income of such Parish or Benefice, for the better satisfaction of the spiritual wants thereof, or for the appointment of a Clerk thereto; and if the said Lord Lieutenant and Council shall approve of the said Report, the same shall be laid before both Houses of Parliament, and at any time after the expiration of *Six* Months from the period when such Report shall be so laid before Parliament, it shall be lawful for the said Lord Lieutenant and Council, unless Parliament shall otherwise direct, to order the same to be carried into effect, and the same shall be carried into effect accordingly.

85. Ecclesiastical Commissioners shall make an Annual Report to the Lord Lieutenant.

And be it Enacted, That the said Ecclesiastical Commissioners shall once in every year, at the same time at which they are by the said Act made in the third and fourth years of the reign of His present Majesty, required to report their proceedings under the said Act, make a Report to the said Lord Lieutenant of all their proceedings under this

Act, and, together with said Report, return an account of all their receipts and disbursements under this Act, distinguishing the specific sources from which all such monies may be derived, and showing the total amount derived from each such source, together with the specific purposes to which such receipts have been applied; and such Report shall set forth the names of all such Parishes or Benefices as may fall under the provisions of this Act, and the extent of ecclesiastical duty, and the amount of the income of each such Benefice or Parish, and the arrangements made in respect thereof, and the circumstances under which such arrangements have been so made.

86. Property of Minor Canons and Vicars Choral, vested in the Ecclesiastical Commissioners, subject to existing interests, and for the maintenance of such members of such Corporations as have duties to perform.

AND whereas it appears by the Report of certain Commissioners, constituted and appointed by His Majesty for inquiring into Ecclesiastical Revenues and Patronage in Ireland, bearing date the Fifteenth day of April One thousand eight hundred and Thirty-four, that there are in certain Cathedral Churches divers subordinate Corporations, known by various names, and that some of such Corporations have dwindled down to a single individual in each, who appears to be wholly discharged of any duty whatever, and that some such offices would long since have become wholly obsolete and extinct, but for the emoluments which still attach and are enjoyed by the individuals who fill them; BE it therefore Enacted, That the right, title and interest in and to all Lands, Tithes, Rents, Profits and other Emoluments heretofore held and enjoyed by any and every Corporation of or belonging to any Cathedral Church in Ireland known by the names of Minor or Petty Canons, Vicars Choral, Prebendaries and Vicars, or Vicars and Choirmen, shall from and after the *passing of this Act*, vest in the said Ecclesiastical Commissioners, subject nevertheless to all existing leases, charges and incumbrances now affecting the same, and that the rents, issues and profits thereof shall be by the said Ecclesiastical Commissioners applied, during the lives of the present members of such Corporations respectively, to their use, in the same manner and proportions as the same may now be enjoyed by or divisible amongst each and every of them; and that on the demise or cession of each such member of such Corporations, adequate provision be made out of such rents, issues and profits for the due maintenance of such and so many of their successors, as may in the judgment of the said Commissioners be required for the effectual discharge of the duties, if any, appertaining to the members of such Corporations respectively, in cases where such provision is not made from other sources; and that the surplus of such rents, issues and profits, from time to time accruing to the said Ecclesiastical Commissioners, shall be carried to the general fund under the administration of the said Commissioners, who shall have all and every the like powers of leasing and demising the Lands and Tithes so vesting in them as such Corporations may now respectively have, and in all respects subject to such the like restrictions and conditions.

And

Section 1 of 4 & 5 W. 4, c. 90, amended.

AND whereas, by the said Act of the last Session of Parliament, for amendment of the said Act of the third and fourth years of the reign of His present Majesty, the said Lord Lieutenant and Council are empowered, on the recommendation of the said Ecclesiastical Commissioners, to order and direct, that the appointment to any Ecclesiastical Dignity or Office under the rank of an Archbishoprick or Bishoprick, the Person holding which shall not have actual souls within any parish appropriated thereto, shall be suspended upon the next avoidance, until such Lord Lieutenant and Council shall think fit otherwise to direct, and that for and during such period, as such dignity or office shall remain vacant, all and every the Tithes, Glebes, Lands, Rents, Profits and Emoluments whatsoever belonging or appertaining thereto, and all arrears of such Tithes, Rents, Profits and Emoluments, which may have accrued due since the same may have become void as aforesaid, shall be vested in and received by the said Ecclesiastical Commissioners, to be by them applied towards the like purposes as the other monies and funds accruing to, or vested in them under the provisions of the said Act: AND whereas doubts have arisen whether the provisions of the said Act apply to the case of the Precentorship of the Church of the Holy and Undivided Trinity, otherwise called Christ Church in Dublin, now vacant, by reason of the cure of souls in certain parishes belonging, in contemplation of law, to the said Precentor, although, in fact, such cure has not been served by the occupant of such dignity, nor by any resident Curate employed at a sufficient stipend: AND whereas it is expedient to remove such doubts, and also further to explain the said Act; BE it therefore Enacted, That the hereinbefore recited provisions of the said Act shall be taken to extend to the said Precentorship, and also to all dignities or offices, the occupants whereof, although having in contemplation of law cure of souls, habitual or actual, in any parish or parishes appropriated, or in anywise belonging thereto, shall not, within *Three* Years next preceding the passing of this Act, have served the cure of souls in such parish or parishes, either personally or by a resident Curate remunerated by a sufficient stipend; and also, that the said provisions of the said Act shall be taken to extend to all such offices of, or belonging to cathedral churches, as in the said Act mentioned, although the same may not be ecclesiastical offices, nor held by ecclesiastical Persons; and also, to all cases where Tithes may have been held or enjoyed by the occupants of such dignities or offices, though not in law appropriated to them; and also to cases where lands only, or land as well as Tithes may have been so held and enjoyed, or appropriated: Provided always, That if it shall appear to the said Ecclesiastical Commissioners, that there are any Curates, perpetual or stipendiary, serving the cure of souls within any parish appropriated to any such dignity or office, and that the stipends allowed to such Curates are insufficient, then and in such case it shall be lawful for the said Ecclesiastical Commissioners, from and out of the profits or

emoluments of the parish so appropriated, to allow such stipend to any such Curate, not exceeding *One hundred* Pounds per annum, as they may think necessary, with regard to the duties to be by him discharged.

88 Tithes, &c. disappropriated from Dignities, &c. may be carried to General Fund, under administration of Ecclesiastical Commissioners.

AND whereas by the said recited Act of the third and fourth year of His present Majesty's reign, as the same is amended by the said Act of the last Session of Parliament, authority is given to the said Lord Lieutenant and Council, on the next avoidance of any Archbishoprick, Bishoprick, Deanery, Archdeanery, Dignity, Prepend or Canonry, or with the consent of the Incumbent thereof, to disappropriate, disunite and divest from and out of the same, any Rectory, Vicarage, Tithes or portion of Tithes and Glebes, or part or parts thereof, and to unite any such Rectory, Vicarage, Tithes or portion of Tithes or Glebes, or part thereof, to the Vicarages, or perpetual or other Curacies of such parishes respectively, or to any adjoining or neighbouring Rectory, Vicarage or Curacy, or to erect the same into a distinct parish or benefice: AND whereas in some cases such Vicarages and perpetual, or other Cures, may be already sufficiently endowed, or the number of the members of, or Persons in communion with the said church, in such disunited or disappropriated parish may not exceed fifty; BE it therefore Enacted, That if the said Lord Lieutenant and Council shall so think fit, it shall be lawful for him and them to order that the income arising from such Rectory, Vicarage, Tithes or portions thereof, and Glebes, or part or parts thereof, disappropriated and disunited as aforesaid, shall be transferred to the said Ecclesiastical Commissioners, and the right and interest in and to the same, and all arrears thereof, shall thereupon vest in the said Commissioners, and be by them carried to the general fund under their administration.

89. Tenants of Bishops, &c. may, instead of paying Purchase-money of Perpetuities, give a Mortgage at 3½ per cent. payable within ten years.

And be it Enacted, That it shall and may be lawful for any superior or under-tenant, who shall, within *Two* Years next after the passing of this Act, contract and agree for the purchase of the fee-simple and inheritance of and in lands held under any sole Ecclesiastical Corporation, or under the said Ecclesiastical Commissioners, pursuant to the provisions of the said recited Act of the third and fourth years of the reign of His present Majesty, or of the said Act passed in the last Session of Parliament amending the same, instead of paying the sum ascertained, agreed or adjudged to be payable by such tenant for or on account of such purchase, to execute to the said Ecclesiastical Commissioners, a mortgage of the lands so purchased for securing the payment of such purchase-money, by instalments or otherwise, at any time within *Ten* Years next after the making thereof, with interest thereon in the mean time, or so much thereof as shall remain due, at the rate of *Three pounds* and *ten shillings* per centum per annum; and such mortgage shall have priority and precedence over all other charges and incumbrances whatsoever.

And

90. Commissioners of Land Revenues and Ecclesiastical Commissioners may examine on Oath, or receive Depositions.

And be it Enacted, That it shall be lawful for the said Commissioners of Land Revenues, or for the said Ecclesiastical Commissioners, to examine, upon oath or affirmation (which oath or affirmation they, or any one or more of them are and is hereby authorized to administer), any Person willing to be examined, touching any matters or things relating to any proceeding under this Act; and also to receive any affidavit or deposition, in writing, upon oath or affirmation, which shall be made in any part of the United Kingdom of Great Britain and Ireland, before any Person having authority to administer an oath, or before any Justice of the Peace, or which shall be made in any parts beyond the seas before any Magistrate of the county, territory or place, having competent power and authority to administer an oath, and certified and transmitted to the said Commissioners, or either of them, under the hand and seal of such Magistrate.

91. Ecclesiastical Commissioners may employ additional Clerks.

And be it Enacted, That the said Ecclesiastical Commissioners shall and may employ such and so many Clerks or other officers as they may find necessary for the discharge of the duties by this Act imposed upon them, and allow to such Clerks and officers such salaries as they shall, with the consent of the Lords Commissioners of the Treasury, fix and appoint; and the said Ecclesiastical Commissioners and the said Commissioners of Land Revenues shall employ, for all the purposes of this Act, such Solicitor as the said Commissioners of His Majesty's Treasury shall nominate and appoint.

92. *Treasury may advance Money on credit of the Rent-charges granted by this Act, not exceeding the annual amount thereof.*

AND whereas it may be found necessary for the said Commissioners of Land Revenues to borrow a sum or sums of money by way of mortgage or loan on the credit of the produce of the said rent-charges and the other funds accruing to them under the provisions of this Act; BE it therefore Enacted, That it shall and may be lawful for the Commissioners of His Majesty's Treasury, if they shall so think fit, upon the application of the said Commissioners of Land Revenues, from time to time to issue or advance, or cause to be issued or advanced, out of the produce of the Consolidated Fund of the United Kingdom, any sum or sums of money, not exceeding in the whole at any one time the gross annual amount of the rent-charges payable to His Majesty under the provisions of this Act, to be repaid in such manner and at such times, and with such rate of interest as the said Commissioners of His Majesty's Treasury as aforesaid shall determine and direct; and all sums so issued and advanced shall, with the interest from time to time accruing due thereon, be, and the same is and are hereby charged upon the produce of the said rent-charges, and all other funds accruing to the said Commissioners of Land Revenues under this Act; and such rent-charges and other funds as aforesaid shall be subject and liable to the payment of the sums so issued or advanced, and the interest thereon, in such manner and at such times as the said Commissioners of His Majesty's Treasury

shall appoint; and the said Commissioners of Land Revenues are hereby authorized, empowered and required to pay such sums of money and such interest from time to time, when and as the same shall become due and payable, pursuant to the order and direction of the said Commissioners of His Majesty's Treasury, from and out of the produce of the said rent-charges and the other funds vested in or accruing to them under this Act, prior to any other application thereof.

93. Tithe Compositions Acts shall be taken to extend to His Majesty.

AND whereas doubts have arisen how far the several Acts for establishing Compositions for Tithes in Ireland extend to Tithes forming part of the hereditary revenues and possessions of the Crown in Ireland; FOR Removal of which doubts, Be it further Enacted and declared, That the said Acts shall be deemed to extend to The KING's Majesty, His heirs and successors, if named therein, and that all Compositions for Tithes belonging or which may have belonged to His said Majesty, are and shall be and be deemed to have been good, valid and effectual, to all intents and purposes, as any Compositions established in lieu of Tithes belonging to any other Person.

94. The Provisions of this Act shall extend to His Majesty.

And be it Enacted, That all and every the provisions of this Act shall apply and extend to the said Compositions for Tithes belonging to The KING's Majesty, and that rent-charges shall become payable in lieu thereof, and that such rent-charges shall be collected and recovered, and in all other respects managed and dealt with according to the provisions of this Act; any thing in any other Act or Acts heretofore passed relative to the hereditary possessions and land revenues of the Crown in Ireland, to the contrary notwithstanding: Provided always, That nothing herein contained shall extend in any respect to alter or repeal the provisions of any such Act or Acts, with respect to the application of the annual income arising from such Tithes or Compositions, or the sale thereof, or the application of the monies arising from any such sales, but that such last-mentioned provisions shall extend and apply to the annual income arising from the rent-charges which will become payable in lieu of such Tithes or Compositions, under the provisions of this Act, and to authorize sales thereof, and to direct the application of the monies arising from the sale of such rent-charges, according to the nature thereof respectively, in like manner as to the annual income arising from such Tithes, and the monies arising from sales thereof: And provided further, That nothing in this Act contained shall in any manner prejudice or affect the right of His said Majesty in or to any quit-rent, or other rent or payment reserved upon or arising out of any grant, or payable on account of any Advowsons, Rectories, Vicarages, or other Benefice or Preferment, or office spiritual, or Tithes.

95. Notices, how to be served.

And be it Enacted, That whenever any notice required to be given by this Act cannot be delivered to the Person to whom such notice is directed,

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directed, it shall be sufficient to leave the same at the last or most usual place of abode of such Persons, if such Person shall be in Ireland, or if such Person or Persons shall be in any other part of the United Kingdom, or beyond the seas, then to publish the same in the Dublin Gazette.

96. No Stamp Duty payable.

And be it further Enacted, That no memorandum, contract or agreement to be made or entered into under the provisions of this Act, nor any deed, receipt or other instrument or counterpart thereof made, nor any receipt, order, copy, document or other matter or thing relating to any proceeding or payment under this Act, nor any appointment, obligation or bond authorized or required by this Act, shall be subject or liable to any stamp duty whatsoever, imposed by any Act or Acts now in force, or to be imposed by any future Act or Acts, unless the same be specially subjected thereto in and by such future Act or Acts.

97. Nor Office Fees.

And be it Enacted, That no search nor certificate thereof, or any other proceeding in any court or office, nor any payment nor investment which may be directed or sanctioned by any court, or otherwise for the purposes of this Act, shall be subject to any charge for any Law, or Equity Fund, nor to any Usher's Poundage, nor Fee imposed by any Act now in force, or by any future Act, unless the same be specially mentioned and subjected thereto by this or some future Act.

98. Forgery.

And be it Enacted, That if any Person shall knowingly and willfully forge or counterfeit, act or assist in forging or counterfeiting, the name or handwriting of the Lord High Treasurer, or of the Commissioners of His Majesty's Treasury for the time being, or of the said Ecclesiastical Commissioners, or Commissioners of Land Revenues, or of any or either of them, to any Draft, Instrument or Writing whatsoever, for or in order to the receiving or obtaining any money in the hands or custody of the Governor and Company of the Bank of Ireland, or of any private banker on account of the said Commissioners, with intent to defraud any Corporation or Person whatsoever, or shall forge and counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any draft, instrument or writing in form of or purporting to be a draft, made by the said Commissioners or any of them, or shall utter and publish any such, knowing the same to be forged or counterfeited, with an intent to defraud the said Commissioners of Land Revenues, or the Governor and Company of the Bank of Ireland, or any body corporate, or any Person or Persons whomsoever, every Person or Persons so offending, being thereof lawfully convicted, shall be and is and are hereby declared to be guilty of *Felony*, and shall be liable to be *transported* for the term of his or their *Life*.

99. Perjury.

And be it further Enacted, That if any Person who shall make or take any oath, affirmation or affidavit under or in pursuance of the provisions of this Act, shall therein wilfully or knowingly swear, affirm, or answer falsely to any matter or thing, every such Person being duly convicted thereof shall incur and suffer such penalties, pains and disabilities as Persons convicted of wilful and corrupt perjury are by law liable to.

100. Limitation of Actions.

And be it further Enacted, That if any action or suit shall be brought against any Person for any thing done in pursuance of this Act, such action or suit shall be commenced within *Six* calendar Months next after the fact committed, and not afterwards, and shall be laid in the county or place where the cause of complaint did arise, and not elsewhere; and the Defendant in every such action or suit may plead the General Issue, and give this Act and the special matters in evidence at any trial to be had thereupon; and if the Jury shall find for the Defendant in any such action or suit, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his or their action or suit, or if upon demurrer, judgment shall be given against the Plaintiff or Plaintiffs, each Defendant shall have *Treble* costs, and have the like remedy for the same as any Defendant hath in other cases to recover costs by law.

101. Interpretation of Words used in this Act.

And be it Enacted, That the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or context of the Act shall exclude such construction, be interpreted as follows; (that is to say) the words, "Lord Lieutenant of Ireland" shall extend to any Lords Justices or other Chief Governor or Governors of Ireland, and the words, "Commissioners of Land Revenues," shall be construed to mean the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works and Buildings; and the word "land" shall extend to manors, messuages and other hereditaments, whether corporeal or incorporeal, and whether freehold or copyhold, or of any other tenure; and the word "appointment" shall be construed to mean institution, collation, presentation, election, donation, nomination, license or induction; and the words, "persons entitled to Compositions for Tithes," or to any "Composition," shall be construed to extend to and include all Ecclesiastical Persons, and bodies corporate, sole or aggregate, lay or ecclesiastical, or collegiate, and all Incumbents of parishes, whether Rectors, Vicars or Curates, and all Impropriators and Appropriators, and all Persons whomsoever being the owners of or entitled or interested in any manner whatsoever, at law or in equity, whether in their own right, or by virtue of any order or process of any Court, as trustees, devisees, personal representatives, lessees, sequestrators, receivers or otherwise, to any Tithes, or portion or portions of Tithes, or Composition established in lieu of Tithes, or portion or portions

tions of such Composition, or who would have been so entitled to any such Composition if the same had not been suspended by virtue of any lease or agreement; and the word "Person" shall extend to and comprise all and every bodies politic and corporate, sole and aggregate, lay and ecclesiastical, and collegiate; and the words "Compositions for Tithes," shall extend and be applied to any portion or portions of a Composition, and to any Tithes or portion of Tithes, and to any part of a yearly payment thereof, as well as to a Composition; and the word "County" shall extend and be applied to any riding, county of a city, or county of a town, or city and county, as well as a county at large; and the word "Parish" shall extend and be applied to any extra-parochial place or places separately chargeable with any Composition for Tithes, as well as to a parish; and every word importing the singular number only, shall extend and be applied to several persons or things, as well as one person or thing; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

And be it Enacted, That this Act may be altered, amended or repealed, by any Act to be passed in this present Session of Parliament.

6 WILL. IV.—Sess. 1835.

(Ireland.)

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B I L L

For the better Regulation of Ecclesiastical Revenues, and the promotion of Religious and Moral Instruction in Ireland.

(Prepared and brought in by Lord Viscount Morpeth, Lord John Russell, Lord Viscount Howick, Mr. Chancellor of the Exchequer, Sir John Hobhouse, Mr. Poulett Thomson, Mr. Attorney General and Mr. Solicitor General.)

Ordered, by The House of Commons, *to be Printed,*
7 *July* 1835.

IRISH CHURCH BILL.

CLAUSES AND AMENDMENTS

TO BE

PROPOSED BY MR. BINGHAM BARING.

IN THE COMMITTEE.

[To be introduced after the 76th Clause.]

CLAUSE (A.) Every Benefice not sequestered, to be vested, on the next vacancy, in the Ecclesiastical Commissioners, and to form an Endowment Fund.

And be it Enacted, That when and as the Church of any Parish shall, after the *passing of this Act*, become vacant in any manner whatsoever, and shall not upon such vacancy be sequestered under the provisions hereinbefore contained, then and in every such case such Church, and the glebe-house, lands and hereditaments thereunto belonging, and the rents, profits and emoluments thereof, from the time such Church shall become void, and the annual sums which would (if such Church had continued full), have been payable under the provisions of this Act to the present Incumbent thereof, under the warrants hereinbefore mentioned, shall be vested in and payable to the said Ecclesiastical Commissioners; and the said Ecclesiastical Commissioners shall have the like remedies for the recovery thereof as the Incumbents would have had if such Church had continued full; and the annual sums and other property which shall be so vested in the said Ecclesiastical Commissioners shall form an Endowment Fund, and be applied by them to the endowment of Benefices and other Ecclesiastical purposes hereinafter mentioned.

CLAUSE (B.) Ecclesiastical Commissioners to have power to alter the limits of Benefices.

And be it Enacted, That it shall be lawful for the said Ecclesiastical Commissioners, from time to time by deed under their corporate seal, to consolidate and unite or divide existing Benefices, and form new Benefices, and alter the boundaries of Benefices, and for that purpose by such Deeds, from time to time to direct that Parishes or Unions of Parishes be subdivided or severed, and that Parishes, or parts of Parishes, be united or annexed to other Unions, Parishes or parts of Parishes, and to assign from time to time limits or altered limits to such Benefices, or any of them, in such manner as may seem to the said Ecclesiastical Commissioners most advisable for supplying the spiritual wants of the members of the Established Church, and for

the due performance of Ecclesiastical duties throughout Ireland; and the deeds by which Benefices shall be formed and by which limits shall be assigned to Benefices, and all other deeds executed by them under the provisions of this Act, shall remain in the custody of the said Commissioners, and copies thereof, certified under the hand of their Secretary, shall be transmitted to the Bishops of the respective Dioceses within which the Benefices to which such deeds relate shall be situated, and shall be registered in the Offices of the Registries of such Bishops respectively, and notices of the formation or alteration of Benefices under this Act, and of the boundaries of such Benefices, shall be given in such manner as the said Commisioners shall think fit.

CLAUSE (C.) Ecclesiastical Commissioners to endow Benefices not sequestered.

And be it Enacted, That the said Ecclesiastical Commissioners shall and may from time to time by such deeds endow every Benefice with cure of souls (which shall not be sequestered under the provisions of this Act) with such annual sum, glebe lands, or other property or income, out of or arising from the said Endowment Fund, as the said Ecclesiastical Commissioners shall think proper, regard being had to the amount of such Funds and to the duties to be performed by the Incumbent of the Benefice, so to be endowed, and shall and may from time to time increase, diminish, vary, or revoke such endowments, every such endowment, and every increase, diminution variation or revocation of an endowment to be made or testified by Deed under the corporate seal of the said Commissioners; but if any Benefice shall be full at the time of the revocation or diminution of the endowment thereof, such revocation or diminution shall not take effect until the next avoidance of such Benefice.

CLAUSE (D.) Such Sums as would have been payable out of Revenue Fund, on account of Benefices incorporated with endowed Benefices, to be added to Endowment Fund.

Provided always, and be it Enacted, That if the said Ecclesiastical Commissioners shall annex or incorporate any Benefice which shall be sequestered under the provisions of this Act to or with any Benefice or Benefices which shall be endowed by them as aforesaid, in every such case it shall be lawful for the said Ecclesiastical Commissioners, with the consent and approbation of the said Lord Lieutenant in Council annually to transfer from the Reserve Fund Account in this Act mentioned, unto or to the Account of the said Endowment Fund, any annual sum not exceeding the highest sum which might have been payable under the provisions of this Act to the separate Curate, who might have been nominated or licensed for the Benefice so annexed or incorporated, or to the Incumbent or officiating Minister of any adjoining Parish (as the case might have required), if such Benefice had not been so annexed or incorporated.

CLAUSE (E.) Boundaries of Benefices not vacant not to be altered

Provided also, and be it Enacted, That no direction of the said Ecclesiastical Commissioners whereby the boundaries of any Benefice which shall be full at the time of such direction may be altered, shall

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take effect, so far as respects such Benefice, until the next avoidance thereof, unless with the consent in writing of the Incumbent; and that it shall be lawful for the said Ecclesiastical Commissioners, in and by the Deed of Endowment to direct that only such proportionate part or parts of the whole endowment of any new Benefice, as the said Commissioners shall think fit, shall from time to time be received by the Incumbent thereof, so long as by reason of continuing Incumbencies or otherwise, the directions of the said Commissioners shall take effect only as to a part or parts of the limits assigned to such new Benefice.

without consent of the Ordinary.

CLAUSE (F) Patronage of endowed Benefices to vest in the Ordinary, or if the Benefice be in two Dioceses, in such one of the Diocesans as the Ecclesiastical Commissioners direct.

And be it Enacted, That in every case in which any Benefice endowed under the provisions of this Act shall be wholly within the present limits of any Diocese, the right of collating to such Benefice shall from and after the endowment thereof be vested in the Diocesan; but in case any Benefice formed, or any Benefice to which new limits shall be assigned under the provisions of this Act, shall be within the present limits of Two or more Dioceses, the right of collation thereto shall be vested in such one of the Diocesans within the limits of whose Dioceses such new or altered Benefice shall be situated, and such Benefice shall be subject to the jurisdiction of such Diocesan as the said Ecclesiastical Commissioners shall in that behalf nominate in the instrument of Endowment: Provided always, That the right of collation of such Diocesan shall not in anywise interfere with the authority of the said Ecclesiastical Commissioners to form and alter the boundaries of Benefices: And provided also, That nothing herein contained shall be construed to deprive the College of the Holy and Undivided Trinity near Dublin of the right of presenting to any Benefice, Parish or Union, which shall not be sequestered, or whereof the income shall not be reduced under the provisions of this Act.

CLAUSE (G.) Incumbents of endowed Benefices to be Vicars.

And be it Enacted, That every Benefice formed and endowed under the provisions of this Act when such Benefice shall become complete, and until it shall become complete then so far as the directions of the said Ecclesiastical Commissioners shall have taken effect, shall be deemed a Vicarage, and the spiritual Person collated thereto and serving the same shall be the Vicar thereof, and shall have such tenure and estate in his Benefice, and shall be subject to such jurisdiction of the Diocesan or other jurisdiction, and to such laws as to holding Benefices, as are applicable to Vicars in Ireland, and shall have such rights and privileges, and be subject to the obligation of such duties within his Benefice, as Vicars shall from time to time have or be subject to within their respective parishes.

[The 77th Clause to be omitted.]

[The 78th Clause to be thus amended.]

Parishes falling under operations of this Act, not to be filled without Notice.

And be it Enacted, That whenever the Church of any Parish or Union shall, at any time after the *passing of this Act*, become vacant in any manner whatsoever, it shall not be lawful to fill up any such vacancy, or appoint any successor in such Parish, Benefice or Union, until the expiration of *Two* calendar Months after notice in writing of such vacancy shall have been given to the said Ecclesiastical Commissioners, by the Corporation or Person having the patronage thereof, or right of appointment thereto; and any appointment which shall be made without such notice previously given, shall be null and void to all intents and purposes; and the said Ecclesiastical Commissioners and Lord Lieutenant and Council may and are hereby required to exercise all the powers hereby vested in them in relation thereto, in such manner as if the Church of such Parish or Union were vacant.

[To be substituted for Clause 79.]

Rights of Advowson to be purchased or extinguished.

And be it Enacted, That it shall be lawful for the said Ecclesiastical Commissioners at any time after the *passing of this Act*, to buy up the Advowsons or rights of Presentation to any Benefice which shall belong to any Person or Persons whomsoever, other than the King or any Ecclesiastical Corporation, sole or aggregate, or to the College of the Holy and Undivided Trinity near Dublin (provided such Benefices shall be full at the time of such purchase), for such prices as they can agree on with the owners thereof; and when and as soon as the Church of any Parish or Union whatsoever shall become vacant after the *passing of this Act*, so that the same shall be vested in such Commissioners as sequestrators or otherwise under the provisions of this Act, the right of Advowson and Presentation thereto shall cease and determine; and unless the Advowson of such Church shall have been previously purchased, the said Ecclesiastical Commissioners shall pay to the owner thereof, other than His Majesty, or any Ecclesiastical Corporation sole or aggregate, or Trinity College aforesaid, such sum as they shall think fit for the purchase of such Advowson, and of the several interests therein; and in case any Person entitled to the Advowson of any such Parish or Benefice, or turn therein, shall be dissatisfied with the sum paid, or proposed to be paid, by the said Commissioners, as and for the purchase of such Advowson, or turn or Presentation, as a compensation for the reduction of the value thereof, he may apply by Petition to the Court of Chancery or Exchequer in Ireland, stating the premises, and praying relief in respect thereof; and thereupon it shall be lawful for such Court to make order thereupon, ascertaining the proper amount of purchase or compensation money to be paid by the said Ecclesiastical Commissioners, and such order shall be final and conclusive, and without any appeal therefrom: Provided, That if any Benefice the Advowson whereof may belong to the College of the Holy

If Owners dissatisfied, they may apply to the Court of Chancery.

Trinity College to be compensated

and

and Undivided Trinity near Dublin, shall be sequestered, or the income thereof reduced under the provisions of this Act, the said Lord Lieutenant in Council shall direct that some Benefice or Benefices, and as nearly equal as may be in value to the Benefice so sequestered or reduced, shall be assigned to the said College, and the Advowson and right of presentation thereto shall by force of such order vest in the said College in like manner to all intents and purposes as the Benefice so reduced or sequestered.

by having a Benefice in the King's Gift, in lieu of that sequestered or reduced in value.

[Omit Clause 81]

[Clause 82, as amended.]

And be it Enacted, That the said Ecclesiastical Commissioners shall make out and deliver to their Treasurer a warrant, *or so many distinct warrants as they shall think fit*, addressed to the Commissioners of Land Revenues, for all such sums as shall from time to time vest in them an account of the annual payments accruing due under the provisions of this Act, and that all such sums as shall be paid under such warrants, *in respect of sequestered Benefices*, together with the annual rents, profits and emoulments of all glebe houses and lands vested in them by reason of the sequestration of Benefices, shall be paid into the Bank of Ireland, and there carried to a separate account, to be called "The Reserve Fund Account;" and that the said Ecclesiastical Commissioners shall also carry to the credit of the said Reserve Fund Account the sum of and the other sums hereinbefore directed to be paid to them by the Commissioners of His Majesty's Treasury, or pursuant to their order; and the monies so arising to the credit of the said Commissioners in the said account shall be, in the first place, applicable to the payment of all such sums as shall become payable by order of the said Lord Lieutenant of Ireland, as and for the costs and expenses attendant upon the revision of the Memorials and Schedules of Persons applying for relief under this Act, in respect of Tithes and Compositions accrued due and unpaid for the year last past; and, in the next place, to the payment of all such sums as shall under the provisions hereinbefore contained become payable to such applicants; and, in the third place, to the payments of the stipends assigned under the hereinbefore contained provisions to the Curates or Ministers intrusted with the cure of souls, or the performance of Ecclesiastical duties; and to the provision of places of worship in parishes, the Churches whereof may be sequestered under the provisions of this Act; and to the payment of the charges and other sums payable under the hereinbefore contained provisions in respect of such parishes; and to the payment of the annual tax, and any other sums which would have been payable by the Incumbents thereof, if the same had not been sequestered; and to the payment of any Crown rents, port corn rents, pensions and salaries to diocesan schoolmasters, or glebe rents, or proportion

The Ecclesiastical Commissioners shall keep a separate account, to be called, The Reserve Fund Acoount.

Monies in such Account, how to be applied.

thereof, to be fixed and determined as hereinbefore provided; and to the payment of the expenses to be incurred in carrying this Act into execution; and the residue of such menies from time to time accruing in each year to the credit of the said Commissioners in the said Reserve Fund Account, shall be paid to such Persons as the said Lord Lieutenant shall, by warrant under his hand, authorize to receive the same, to be applied to the moral and religious instruction of all classes of the People, without distinction of religious persuasion.

[To be inserted after the 82d Clause.]

CLAUSE (T.) Ecclesiastical Commissioners to keep an Endowment Fund Account.

And be it Enacted, That all such annual sums as shall from time to time vest in the said Ecclesiastical Commissioners, on account of the said Endowment Fund, and the rents and profits of all hereditaments forming part of the said Endowment Fund, shall be paid into the Bank of Ireland, to the credit of the said Ecclesiastical Commissioners, to a separate account, to be called "The Endowment Fund Account;"

Application of the Monies in that Account.

and the monies so arising to the credit of the said Commissioners, shall be applicable to the payment of the annual sums wherewith the respective Benefices shall be endowed by the said Ecclesiastical Commissioners, and to the payment of all charges and other sums payable in respect of the Parishes, the Churches whereof shall from time to time become vested in the said Commissioners under the provisions of this Act, and of all sums which would have been payable by the Incumbents in respect of such Parishes, and to the payment of the Purchase-money of the Advowson or right of Presentation to such Parishes as shall not be sequestered under the provisions of this Act; and the annual surplus, if any, after answering the purposes aforesaid, shall be laid out by the said Ecclesiastical Commissioners in the Public Funds of the United Kingdom, or in Exchequer Bills on account of the said Endowment Fund; and the Stock and Exchequer Bills so purchased, shall and may from time to time be sold, as occasion shall require; and the Monies arising from such Sale, and from the Dividends and Interest, until the sale thereof, shall from time to time be paid into the Bank of Ireland, to the said Endowment Fund Account, and be applicable to the purposes hereinbefore mentioned concerning the monies arising to the credit of the Commissioners on the said Account.

[To be substituted for Clause 83.]

And be it Enacted, That for the purpose of paying for the Advowsons of such Parishes as may be sequestered under the provisions of this Act, or indemnifying the owners thereof, it shall be lawful for the said Ecclesiastical Commissioners, with the consent of the said Lord Lieutenant, to apply such sum of money arising to their credit in the said Reserved Fund Account as they may find necessary; and for the purpose of paying for the Advowson of all other Parishes which the said Commissioners

missioners are authorized to purchase or pay for, it shall be lawful for the said Ecclesiastical Commissioners with the like consent to apply such sums of money arising to their credit in the said Endowment Fund Account as they may find necessary, or to borrow from any person who may be willing to lend the same on the credit of the said Funds respectively, such sum or sums as, with the like consent, they may think proper, and by an instrument, under the corporate seal of the said Commissioners, to charge such fund with the payment of any such sum or sums, together with interest after the rate of *Four* Pounds per centum per annum, on the amount so borrowed; and it shall be lawful for the Lords Commissioners of the Treasury, if they shall so think fit, to lend and advance out of the produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, such sum or sums of money as may be required for such purpose on the credit of the said Funds *respectively*, which sum or sums so lent and advanced shall be repaid out of the monies accruing to the credit of the said Funds *respectively*, together with interest after the said rate, in such manner and at such times as the said Lords Commissoners shall fix and appoint.

Page 41, omit Clause 84.

Page 42, Clause 86, line 41, substitute "Endowment" for "General."

Page 44, Clause 88, line 27, substitute "Endowment" for "General."]

IRISH CHURCH BILL.

CLAUSES AND AMENDMENTS

TO BE

Proposed by Mr. Bingham Baring,

IN THE COMMITTEE ON THE BILL.

July 1835.

Clauses 9, 10, 11, 12, 13, and 14,

As proposed to be amended.

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9. Compositions for Tithes may be revised on application to the Commissioners of Land Revenues.

AND whereas it is just and expedient, with a view to a final and satisfactory settlement of the Amount of the said Compositions for Tithes, and the rent-charges payable in lieu thereof, that the calculations on which such Compositions have been established should be subjected to revision where a proper prima facie case for revision may be made out; BE it therefore Enacted, That it shall and may be lawful for any Person or Persons in any parish, who would have been in case this Act had not been made individually or collectively liable to the payment of more than *One-half* of the amount of the whole Composition established in and for such parish, whether the several sums payable by him or them respectively, shall be or may have been payable to any Party entitled to the receipt of any Composition, or to any Landlord who may have taken upon him the payment of such Composition, at any time within *Six* Weeks after the *passing of this Act*, to apply to the said Commissioners of Land Revenues, on behalf of such parish, for a revision of the Composition established therein; and in like manner it shall be lawful for any Person who would have been in case this Act had not been made entitled to any Composition for Tithes to apply, within the said period of *Six* Weeks, to the said Commissioners, for the revision of such Composition; and notice of every such application shall be posted on the Church door, and once inserted, by or on behalf of the applicant Party, in some newspaper circulating within such parish, within *Ten* Days next after such application shall be made: Provided that where the effect of any Composition may have been suspended previous to the *passing of this Act*, by virtue of any lease or agreement in writing, the owners and occupiers of any lands upon which collectively a sum exceeding *One-half* of the amount of such Composition may have been applotted, shall be deemed and taken to be qualified within the meaning of this Act, to make such application.

10. Grounds on which applications for Revision may be founded, shall be submitted to the Commissioners of Land Revenues for

And be it Enacted, That every such application shall be accompanied by a statement and specification in writing, of the particulars, grounds and reasons for making the same, and the material allegations of every such statement shall be verified by some one or more credible Person or Persons, according to the best of their knowledge and belief,

their consideration; and if found sufficient, such Revision shall be allowed.

belief, on oath before one or more of the Justices of the Peace for the county or one of the counties wherein such parish may be situate (which oath any such Justice or Justices is and are hereby authorized to administer); and if by such statement so verified, the said Commissioners of Land Revenues shall find that the amount of such Composition exceeds by more than *One-fifth* the actual amount of the average of the sums really and truly paid, or really and truly agreed to be paid, or really and truly due and adjudged to be paid during the *Seven* Years, on the average of which such Composition was calculated, or shall find that any sum was added to the actual amount of the average of such true and real sums without just and sufficient grounds and reasons for such addition, or shall find that any fraud, concealment, misrepresentation, or circumvention was practised upon the entering into such Composition, whereby the amount of such Composition was unduly affected, then and in every such case the said Commissioners shall transmit the statement accompanying each such application to the Lord Lieutenant of Ireland, together with a copy of the Certificate of such Composition to which such statement refers, and a Certificate under their hands that such Composition is proper to be revised, specifying the ground and matter of revision, and the said Lord Lieutenant shall cause the same to be revised accordingly in manner hereinafter mentioned: Provided always, That when an appeal from any Certificate of Composition has, before the *passing of this Act*, been decided upon the merits by the Lord Lieutenant and Privy Council, or by any Judge of Assize, it shall not be lawful for the Lord Lieutenant to cause such Composition to be so revised.

11. Barristers to be appointed for the purpose of such Revision.

And be it Enacted, That the said Lord Lieutenant shall, by Warrant under his hand appoint for the duty of revising all such Compositions as shall be so certified to need revision, so many Barristers as he or they may think necessary, of not less than *Six Years* standing at the Irish Bar, and shall refer each such Composition for revision, together with the Statement and Certificate of such Composition so transmitted to him by the said Commissioners of Land Revenues, to any *Three* or more of such Barristers, and shall appoint the time and place, or times and places at which they shall proceed with such revision, and such Lord Lieutenant shall, at his discretion, direct any such Compositions to be revised consecutively by such *Three* or more Barristers, or that any such Compositions shall be revised simultaneously by any other such Barristers, so that, however, not less than *Three* such Barristers, shall be authorized to proceed with the revision of any such Composition.

12. Rules to be observed in the Revision of Compositions under this Act.

And be it Enacted, That the Barristers so authorized to proceed with the revision of such Compositions shall give public Notice of the several times and places at which, pursuant to such order and direction they

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they will hold Courts for such purpose, as well by advertisement to be inserted at least *Ten* Days previous to each such time in some newspaper circulating within the respective parish or parishes in which each such Composition may have been established, as by notices to be posted on the usual places for posting notices of applications for Grand Jury presentments at Special Sessions for the division or district in which each such parish may be situate; and at the time and places so notified such Barristers shall in open Court proceed to revise each such Composition, and shall in the first place inquire into and ascertain the manner in which each such Composition may have been calculated, and require the Party who may have applied for such revision to sustain his or their objections thereto, and to produce evidence in support thereof; and such Barristers having heard all such evidence and objections, and all such other evidence and objections as shall be offered or made by or in behalf of any Party entitled, or who may have been entitled to such Composition, or by or in behalf of any owner or occupier of land subject to such Composition, shall correct any error or injustice which shall appear to them to have occurred in the calculation of such Composition, and make such order for confirming, increasing or decreasing the amount of each such Composition as they shall think just and equitable: Provided always, That if it shall appear to such Barristers that the annual amount of the sums paid or recovered on account of Tithes in any such parish, shall not have varied above *One fifth part* of the average annual amount of the whole during the series of *Seven* Years, with reference whereto such Composition may have been calculated, then and in such case the amount of such Composition shall be fixed according to the average annual amount of the sums so paid and recovered during such *Seven* Years, unless it shall be shown that such payments were made with an admission that the Tithes were of greater value, or that more was due: And provided further, That where any sum shall have been included in computing the amount of any such composition on the evidence of any promissory note or other instrument or agreement, or of any adjudication made by any Ecclesiastical or other Court or Justices, in default of the appearance of the Party against whom such adjudication may have been made, the said Barristers shall receive evidence if offered that the real value of the Tithes in respect whereof such promissory note, instrument or agreement, or adjudication may have been made was less than the amount thereof, and in all cases where such lesser value shall be proved, shall, after hearing evidence in support of such Composition, correct accordingly the amount of such Composition: And provided further, That when any sums shall have been added to the average amount of the Tithe paid, or agreed or adjudged to be paid, during any such series of years as aforesaid, the said Barristers shall examine into the sufficiency of the grounds and reasons upon which such addition has been made as set forth in the statement subjoined to the Certificate of such Composition, and

shall allow or disallow the same, and deduct or reduce or increase the sum so added, as to them shall seem just: And provided further, That where the Tithes of any land, not having been actually paid or adjudged to be paid during the series of years with reference whereto any Composition may have been calculated, have been estimated or calculated according to the payments made for Tithes of the like kind in the same or any adjoining parish, or according to such information as may have been obtained, the said Barristers shall inquire into the facts and the accuracy of such information, and the fairness of any such estimate, and amend or confirm the calculation of such Composition accordingly: And provided further, That where the amount of any Composition shall have been fixed by agreement, such amount not having been ascertained by any Commissioner or Commissioners, or Umpire, under the provisions of the said recited Acts, and that it shall appear that either of the Parties thereto entered into such agreement in ignorance of any facts the knowledge whereof was material to making an equitable arrangement between them, or under any concealment or misrepresentation of such facts, and that such agreement was unjust, the said Barristers shall inquire into and ascertain and fix the just amount of Composition which ought to be established in lieu of the sum so fixed by agreement: And provided further, That where in the calculation of any such Composition it shall appear to the said Barristers that any sum has been included on account of the Tithes of any land which they shall deem to have been Tithe-free, the said Barristers shall exclude such sums in calculating the amount of such Composition; and if such Barristers shall entertain any doubt or difficulty in determining the exemption of any such land from Tithe, it shall be lawful for the Courts of Chancery and Exchequer in Ireland, upon the Petition of the said Barristers, showing the facts of the case (which said Barristers are hereby requ red to ascertain and state according to the best information they can procure) either to make an order allowing or disallowing such claim of exemption, or referring the matter to any Master, or to the Chief Remembrancer, with liberty for the Parties interested in the determination of such matter to attend him, and with such other directions as the Court shall deem proper, or to direct such feigned issue or other proceeding as the Court in its discretion may deem proper for ascertaining the exemption or non-exemption of such lands; and in case of any such application to either of the said Courts the said Barristers shall proceed with the revision of such Composition, and fix the amount thereof, without reference to such claim of exemption; provided, that if the matter be determined in favour of the Party claiming such exemption, such Court shall direct the said Commissioners of Land Revenues to reduce the amount of rent-charge payable in lieu of such Composition, and amend the rental of such rent-charges accordingly; and the costs of such petition and reference or other proceedings shall be in the discretion of such Court, and payment thereof enforced

against

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against any of the Parties interested in such matter who may appear to litigate the same, by attachment or otherwise, as such Court may direct.

13. Composition may be reduced or increased by agreement between the Landowners and Tithe-owner.

Provided always, and be it Enacted, That if any Party or Parties entitled, or who would have been entitled in case this Act had not been made, to any Composition for Tithes established in any parish shall offer to reduce or increase the amount of any such Composition, and shall signify such offer in writing; stating the amount of the sum or several sums so proposed to be substituted for the amount of such Composition, and if such offer shall be assented to and accepted in writing by a majority in value of the Persons who, if this Act had not been made would have been liable to the payment of the Composition established in such parish, or if any Composition for Tithes in any parish has been by any agreement between the parties interested, or any award in writing, or other written document reduced or increased, or agreed to be reduced or increased, the sum or sums so agreed upon or awarded, shall be binding on the said Commissioners of Land Revenues, and the said Barristers, and shall be fixed as the amount of such Composition, and the Certificate thereof amended accordingly.

14. Barristers revising Compositions shall make order for payment of the Expenses by such party as they think fit, subject to certain Rules.

And be it Enacted, That the said Barristers shall adjudge the expenses of each Revision, to be paid by the Party or Parties entitled, or who would have been if this Act had not been made entitled to such Composition, and by the Owners or Occupiers of land subject to such Composition, or the rent-charges payable in lieu thereof, in such proportions as to such Barristers shall seem just: Provided always, That if upon such Revision, such Composition shall not be reduced *One-seventh* part of the whole, and that such Revision shall have taken place upon the application of such Owners or Occupiers of land, the whole of such expenses shall be paid by them, and that if such Composition shall not be increased *One-seventh* part of the whole, and that the revision thereof shall have taken place upon the application of any Party entitled, or who would have been entitled if this Act had not been made, to such Composition, the whole of such expenses shall be paid by such Party: And provided further, That it shall be lawful for the said Barristers to direct the payment of such costs as shall seem to them fitting by either of the Parties to such Revision to the other of such Parties, in cases where, in the discretion of such Barristers, such payment may be proper and just.

CHURCH OF IRELAND BILL.

Clauses 9, 10, 11, 12, 13, and 14,

As proposed to be amended.

July 1835.

11 *June* 1835.

(Ireland.)

A

B I L L

For the Establishment of a Board of National Education, and the advancement of Elementary Education in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.

WHEREAS it is right and expedient that in every State there should be established, widely diffused and permanently maintained, such a system of Public Education as may best tend to improve the physical, intellectual, moral and religious condition of its Inhabitants, and promote the virtue and happiness of the same: And whereas this object is most effectually to be attained by the joint contributions and exertions of the Government and the People: And whereas it is especially desirable that such a system should be extended to Ireland; BE *it therefore Enacted*, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT a Board shall be constituted in Ireland for advancing and superintending Public Education, with power to found and superintend Schools therein, and that every Parish shall have power to assess itself for the support of any such School for the use of the inhabitants thereof; To which end be it further Enacted, as follows: Preamble.

Sect. 1. Board to be constituted in Dublin, under the title of

1.—A Board, under the title of the "BOARD OF NATIONAL EDUCATION IN IRELAND," shall within the space of *One* calendar Month

"The Board of National Education."

Month after the passing of this Act, be established in Dublin, with the powers hereinafter stated, for the due execution of this Act.

Sect. 2. Constitution of the Board.

2.—The Board shall consist of the following Members, namely, the Archbishop of Dublin, the Catholic Archbishop of Dublin for the time being, a Presbyterian Clergyman, and Six Laymen, namely, the Chief Secretary of Ireland for the time being, and Five other Laymen, regard being always had to preserve, as much as possible, one moiety Protestant, and the other Catholic, and to select one Member from the City of Dublin, and one from every one of the four Provinces of Ireland.

Sect. 3. Members thereof to be appointed by the Lord Lieutenant.

3.—The Members of the Board shall be appointed by the Chief Governor of Ireland, and whenever any vacancy shall occur in such appointments, such vacancy shall be forthwith filled up, pursuant to the preceding provisions, by the Chief Governor of Ireland for the time being.

Sect. 4. President thereof to be the Chief Secretary for Ireland, for the time being. Vice-President thereof to be appointed by the Board with the approbation, of the Lord Lieutenant.

4.—The Chief Secretary for Ireland for the time being shall be President of the Board, and the Board shall appoint, with the approbation of the Chief Governor of Ireland for the time being, one of the Members thereof, to be the Vice President, and to discharge the duties of the President in his absence.

Sect. 5. The Secretary, Treasurer, Inspectors, and other Officers thereof to be appointed by the Board, with the approbation of the Lord Lieutenant.

5.—The Board shall in like manner, with the approbation of such Chief Governor, appoint a Secretary, Treasurer, Inspector, Counsel, Solicitor, Architect, and such other officers as they may deem necessary, prescribe the Duties, and fix the Salaries of the same.

Sect. 6. Committee of the Board.

6.—The Board may appoint a Committee of its Members for transacting the ordinary business thereof, and prescribe the duties and regulate the proceedings of such Committee.

Sect. 7. General and Extraordinary meetings of the Board.

7.—The Board shall hold two General Meetings in every year, on days to be appointed thereby, and an Extraordinary Meeting whenever summoned by the President, or by *Three* Members of the Board, *Seven* days previous notice of such Extraordinary Meeting, and of the purposes thereof, being given by the Secretary to every other Member of the Board.

Sect. 8. Proceedings thereat.

8.—The Board may at such General or Extraordinary Meeting receive and consider the Reports of the Officers of the Board, audit the Accounts, make Regulations for the execution, and in pursuance of this Act, and prepare and sign the Reports to be laid before the Government or Parliament.

9.—The

Sect. 9. Board and Committee shall preserve Records and Accounts, and produce them whenever legally so required.

9.—The Board and Committee shall keep Journals of the proceedings of every Meeting thereof respectively, and enter in such Journal the Name of every Member thereof respectively present, and also all Reports made to, or by the Board; and whenever the Board shall so be ordered by the Chief Governor of Ireland for the time being, or by either House of Parliament, shall produce such Journals, or a true copy of the whole, or of any parts thereof respectively so required.

Sect. 10. Board shall Report once a year, at least, to the Lord Lieutenant.

10.—The Board shall, once at the least in every year, present, through its President, to such Chief Governor, for the purpose of being laid before both Houses of Parliament, a General Report of all their proceedings during the previous year, setting forth, first, all transactions relating to the Board itself; secondly, all matters relating to the Schools under the jurisdiction thereof; and, thirdly, such further information relating to the state of Education generally, and such suggestions for its improvement, diffusion and support as may be thereby deemed advisable, and every such Report shall be signed by a majority of the Board.

Sect. 11. Board for the purposes of this Act, shall be a Body Corporate.

11.—The Board, for the purposes of this Act, shall be a Body Corporate, and shall have all rights and powers usually exercised by other Bodies Corporate in Ireland, for the enforcement and administration of their rights under the title before mentioned.

Sect. 12. Board may make Bye-laws for their own government, with the approbation of the Lord Lieutenant.

12.—The Board may at their first or any subsequent General Meeting, with the approbation of the Chief Governor of Ireland for the time being, make such Bye-laws, Orders and Regulations for their own government, and that of the Officers and Servants thereof as to *Two-thirds* of all the Members of the Board shall seem expedient, and such Bye-laws, Orders and Regulations shall remain in force until altered or repealed by *Two-thirds* of all the Members of the Board.

Sect. 13. Board may sue and be sued, in the name of its Secretary.

13.—The Board may prosecute, sue and be sued in the name of the Secretary thereof for the time being, without any prejudice to such prosecution or suit from the mere act or default, or state of the office of such Secretary.

Sect. 14. Board may purchase and hold Hereditaments and Chattels, and exchange them for others of equal value.

14.—The Board may purchase, take and hold, either in fee simple or for any less interest, any Hereditaments, and take or receive any Chattels that shall to them respectively be given, granted, devised or bequeathed by any person capable of making such gift, grant, devise or bequest; and may exchange any part of such Hereditaments for other Hereditaments being of equal value, and lying more conveniently for the site of any School to be established or maintained under this Act.

Sect. 15. Conveyances to the Board to be valid, whether made by Laymen, or by Ecclesiastics.

15.—Every Person seised of land in fee-simple, fee-tail or for life, may, for the purposes of this Act, by deed, grant or sell to, or exchange with, the Board, such land, or any part thereof, as fully as such Person may now grant, sell or exchange the same for like purposes in Ireland; and every Archbishop and Bishop, and every other ecclesiastical Person, with the consent of the Archbishop or Bishop of the respective Diocese, may, for the purposes of this Act, by deed, grant or sell to, or exchange with, the Board, any part not exceeding *Twelve* Acres of the land to them respectively belonging, in right of their ecclesiastical dignities.

Sect. 16. Board shall hold all Hereditaments or Chattels so purchased or granted, in trust for the Public, or for the particular purposes for which the same shall have been granted or assured; and shall account therefor to the Lord Lieutenant, or to Parliament, whenever so required.

16.—The Board shall hold in trust for the Public all Parliamentary Grants made to them from time to time, all Hereditaments and Chattels granted or assured to them for the purposes of this Act, and shall apply the same in the manner best calculated to advance such purposes, or the particular purposes (if any) for which the same shall respectively have been so granted or assured, and whenever so required shall render an account of such receipts and applications to the Chief Governor of Ireland for the time being, or to either House of Parliament.

Sect. 17. If not so applied, same shall revert to original grantor, donor, or to their heirs or assigns.

17.—If the Board shall not so apply any Grant, Donation or Bequest made thereto for the purposes of this Act, the grantor, donor, or the heirs or assigns of such grantor, donor or testator, may give Notice to the Board of such non-application or misapplication (as the case may be), and if the same shall continue for *Six* calendar Months after such Notice, such Hereditaments or Chattels shall revert to such grantor, donor, or to the heirs and assigns of such grantor, donor or testator, and shall be re-assured, or re-transferred by the Board accordingly.

Sect. 18. Board may erect Buildings for Schools for residence of Teachers, and for other purposes connected therewith; and may outfit the same with Requisites for Teaching; and may annex Land thereto for Play-ground, Teacher's Garden, or for purposes of Agricultural Instruction.

18.—The Board, from the funds and the land so held in trust, may, in concurrence with the parishioners of any parish in Ireland, erect any number and description of Buildings for Schools, for the residence of Teachers, or for other purposes connected therewith, as they may judge most fitting; and may provide the same with Articles and Implements for Teaching, and may annex to the same any portion of Land, for the Play-ground of the Scholars, or for a Garden for the use of the Teacher, or for the purpose of Agricultural Instruction.

Sect. 19. Board shall pay the rent (if any) for such Buildings and Land.

19.—The Board shall pay the rent (if any) for such buildings or portions of land.

Sect. 20. Board may provide School Books, and other School requisites.

20.—The Board may provide such Books, Documents and Articles as to the Board shall appear necessary for the purposes of Education, and distribute the same for such purposes, gratuitously or otherwise.

21.—The

Sect. 21. Board may establish School Libraries,

21.—The Board, under regulations to be made thereby, and in any School under their jurisdiction, may establish a Library, for the use of the Teacher, and of the Scholars, and the Families to which they respectively belong; and may establish a Collection of Works of Nature or Art for the use of the Teacher or of the Scholars of such School, or of the Families to which they respectively belong; and may provide any such School with any Implement of Mechanical or Agricultural labour, for the instruction of the Teacher and of the Scholars of such School.

and School Collections;

and provide Implements of Mechanical or Agricultural labour in such Schools.

Sect. 22. Board may establish, direct and maintain Teacher's Schools,

22.—The Board may establish, build, outfit and maintain, under their immediate direction and control, in such parts of Ireland as to the Board may appear advisable, Schools for the education of Teachers; and also Model Schools, connected with such Teachers' Schools, either annexed thereto or separate, as the case may require.

and Model Schools.

Sect. 23. Board may appoint Persons to examine Candidates for the situation of Teachers.

23.—The Board may appoint any number of Persons to examine Candidates for the situation of Teacher, in order to ascertain whether such Candidates be qualified, in respect to religious and moral habits and competency, to teach such branches of Education as shall be prescribed by the Regulations of the Board for Schools under the jurisdiction thereof.

Sect. 24. Board may enter the names of such Candidates as shall be approved on a List, called "The Candidates' List;"

24.—The Board may cause the name of any such Candidate as shall, after examination, have been approved of by such Examiners, to be entered in a List to be kept for the purpose, called the "Candidate's List," together with such particulars relating to the place of birth and of education, the honours obtained during the course of education, the manner of answering at such examination, and such other subjects as to the Board may appear requisite, to convey a just idea of the qualifications of such Candidate; and may publish such List in one at least of the Newspapers of every Province in Ireland once in every year, at the period in which their Report is presented to the Chief Governor of Ireland for the time being.

and may publish such List once in every year.

Sect. 25. Board may appoint Teachers therefrom to Schools under their jurisdiction.

25.—The Board may appoint such of the Persons named in such List as they may consider best qualified for the situation of Teacher, to any School under their jurisdiction, and shall furnish such Teacher with an extract from such List duly authenticated of such examination and approval, together with a Certificate of such appointment, and these documents shall constitute the title of such Teacher to the privileges and emoluments of the situation.

Sect. 26. Board may prevent any Teacher, but such as are so appointed, from teaching in such Schools.

26.—The Board may remove any Teacher who, not having been appointed thereby shall teach in any of the Schools under the jurisdiction thereof, and, if necessary, close such School.

Sect. 27.
Board may censure, suspend, or remove Teachers so appointed, in case of proved incompetency or misconduct;

27.—The Board, upon any charge being made thereto of the incompetency or misconduct of the Teacher of any School under the jurisdiction thereof, shall forthwith serve such Teacher with notice of such charge, and having examined evidence upon oath, which any Member of the Board is hereby empowered to administer, shall either acquit such Teacher of such charge, or in case of proof thereof may censure, suspend or remove such Teacher as to the Board shall appear just; and in case of removal, or after such suspension, as the case may be, all right of such Teacher to the privileges and emoluments of the situation shall cease, and a new appointment thereto, either temporary or permanent, as the case may require, shall immediately be made by the Board.

and may appoint in place thereof.

Sect. 28.
Board may reward Teachers, in case of fitness or good conduct.

28.—The Board may promote any Teacher of any School, under the jurisdiction thereof, who shall be proved by his talents and good conduct to be particularly qualified for the duties of Teacher to any such other School as shall be more eligible in point of situation or emolument, or may award such honorary or pecuniary reward to such Teacher as may be determined by the Regulations of the Board

Sect. 29.
Board may grant, with the approbation of the Lord Lieutenant, retiring Pensions to Teachers, on certain conditions, and within certain limitations.

29.—The Board may, with the approbation of the Chief Governor of Ireland for the time being, grant to any such Teacher, who for a period not less than *Twelve* Years shall have discharged the duties of Teacher in any of such Schools to their satisfaction, on retiring from such situation, a Pension or Annuity, the amount, duration and conditions of which shall be determined by the Regulations of the Board.

Sect. 30.
Board may frame, with the approbation of the Lord Lieutenant, General Regulations for Schools, under their jurisdiction;

30.—The Board in order more effectually to establish a good organization, and to improve the course and methods of instruction, and to maintain good discipline and management in Schools under the jurisdiction thereof, shall within *Twelve* calendar Months, after the passing of this Act, with the approbation of the Chief Governor of Ireland for the time being, frame and publish "General Regulations," or directions for the Organization of Schools, and for the course and methods of Instruction and Discipline to be adopted therein; and may add thereunto, with such approbation, at any future General Meeting of the Board, such further Regulations as shall appear to *Two-thirds* of all the Members of the Board expedient, and such Regulations shall remain in force and be obligatory on all such Schools until altered or repealed by *Two-thirds* of the Board at any future General Meeting thereof; and in order more effectually to establish and maintain such Regulations, a Copy thereof, or of such part thereof as to the Board may appear expedient, shall be placed in every such School, and every Teacher appointed by the Board shall subscribe to such Regulations before entering upon the duties of his situation.

which shall be obligatory on such Schools, until repealed.

Copies thereof, or of parts thereof shall be placed in such Schools,

and shall be subscribed by Teachers appointed thereto.

31.—The

Sect. 31. Board shall appoint School Inspectors.

31.—The Board shall appoint, in order that such Regulations may more effectually be observed in such Schools, two "School Inspectors," one Protestant and the other Catholic, for every one of the Provinces of Ireland, for the purpose of visiting conjointly, twice in every year, at such periods as the Board shall determine, all such Schools in the Province to which they shall respectively be appointed.

Sect. 32. Who shall periodically examine into the state of Schools under the jurisdiction of the Board, and report thereon.

32.—The School Inspectors, at every such visit, shall examine into the course and methods of Instruction and Discipline in all such Schools, and into the manner in which the provisions of this Act and the Regulations of the Board are observed, in, or in regard to every such School, and shall enter the result of such examination in a book to be kept for the purpose in every School, and lay an attested Copy thereof before the Board, with such further Report of matters relating to such Schools as by the Board may be required, or to such Inspector may seem expedient.

Sect. 33. Teachers of such Schools shall preserve records,

and exhibit them, whenever so required, to the School Inspectors.

33.—In order to render more easy and accurate such examination and report on the part of the School Inspectors, every Teacher of such Schools shall preserve Journals of all proceedings relating to such School, and shall produce them, or copies thereof whenever required by the Board or their Inspectors, in the manner and form which shall be prescribed by the Regulations of the Board.

Sect. 34. Course to be followed by Board when they shall desire to establish a School.

Board shall transmit to the Parish, in which they desire to establish a School, a Proposal to that effect,

with Schedule annexed, setting forth the particulars thereof,

and shall bind themselves thereto;

34.—Whenever the Board shall deem it expedient to establish a School in any Parish in Ireland, they shall transmit to the Inhabitants thereof, through the principal Protestant or Catholic Clergyman thereof, or through the senior Magistrate or senior Physician residing therein, or through all of them, a Proposal in writing to establish a School therein, and shall thereby bind themselves to provide the Land, erect Buildings for the School, for the residence of the Teacher, and for the other purposes connected therewith, and to outfit such Buildings with all Articles and Implements requisite for Teaching; and to annex to such School such portion of Land as may be required for the Play-ground of the Scholars, for a Garden for the Teacher, or for purposes of Instruction, as the same shall be respectively set forth in a Schedule accompanying such Proposal; provided the Inhabitants of such Parish shall equally bind themselves to provide, by a parochial Rate, first, for the Salary of the Teacher a sum not less than nor more than ; secondly, for the Maintenance and repairs of such buildings a sum not less than nor more than ; and thirdly, for the Fuel, Lighting, Purchase of Books and of other Articles and Implements necessary for Teaching, and for other Regular and Incidental expenses, a sum not less than

Provided the Parishioners equally bind themselves to assess for the Salary of the Teacher, the Maintenance and Repairs, and Current Expenses of the School.

Sect. 35. Course to be followed by the Parish on receiving such Proposal.

Person receiving such Proposal shall cause it to be posted by the Chief Constable acting in the Parish.

35.—The Person receiving such Proposal and Schedule shall forthwith transmit Copies thereof, certified by him to the Chief Constable acting in the Parish, who shall, on the first Sunday after the receipt thereof, cause the same to be posted as a Notice.

Sect. 36. A Requisition may be transmitted thereupon to the Chief Constable to summon a meeting, under the title of "School Meeting," to decide on such Proposal.

36.—After such posting, the Person receiving such Proposal and Schedule, or any *Twelve* Rate-payers of such Parish, may transmit to such Chief Constable a Requisition for a meeting of the inhabitants thereof, under the name of a "School Meeting" for considering such Proposal and Schedule, and for accepting or rejecting the same.

Sect. 37. The Chief Constable, on receipt of such Requisition, shall demand a list of Rate-payers of the Parish from the Collector of the County Rates therein;

which shall be transmitted by the same, and Copies thereof distributed and posted by the Chief Constable.

37.—The Chief Constable, within *Three* Days after receiving such Requisition, shall demand from the Collector of the County Rates in such Parish a List of every Person who shall, within *Fifteen* calendar Months next preceding the date of such List, have been charged and paid not less in total payment than *Two* Pounds each in respect to County Rates for property held therein; and such List, within *Seven* Days after receiving such demand, shall be transmitted by such Collector to the Chief Constable, and printed Copies thereof shall be distributed and posted by the Chief Constable in such Parish.

Sect. 38. Persons aggrieved in respect of omissions or particulars in such List, may appeal to Magistrates in Petty Sessions,

who may order the Chief Constable to rectify the same.

38.—Every Person aggrieved in respect of omissions or particulars in such List, may appeal to the Magistrates in Petty Sessions of the County in which such Parish shall be situate, and such Magistrates may direct, by order under their hands, to the Chief Constable, such omissions to be filled up, or such particulars to be rectified as the case may require; and such alterations shall be made by the Chief Constable, before such meeting shall take place.

Sect. 39. The Chief Constable, within *Three* days after receipt of such List, shall summon a School Meeting.

39.—The Chief Constable, within *Three* Days after receiving such List, shall summon a School Meeting for the purpose specified in the Requisition hereinbefore mentioned, for *Twelve* of the clock on a day not earlier than *Seven*, nor later than *Fourteen*, days after such receipt, in the place wherein Parochial meetings usually are held, and post Notice thereof in the same manner and place, in which Copies of the Proposal and Schedule, and the List of Rate-Payers shall have been posted.

Sect. 40. Rate-Payers whose names shall appear on the posted List, shall have right to vote at such meeting.

Twelve such Rate-Payers shall suffice to constitute a School Meeting.

40.—Every Rate-Payer, whose name shall appear in the list hereinbefore mentioned, shall be entitled to vote at such meeting, and any *Twelve* such Rate-Payers who shall be present before Noon on the day and place so appointed, shall suffice to constitute such School Meeting.

Sect 41. If less than *Twelve* be present at the time and place appointed, Meeting shall stand adjourned.

41.—If *Twelve* such Rate-Payers be not assembled before Noon, the Meeting shall stand adjourned once only to the next day, Sunday excepted, at noon.

42.—Or

Sect. 42. If business be left unfinished, Meeting may adjourn.

42.—Or if after having been constituted, any business be left unfinished thereat at five of the clock in the afternoon, the Meeting shall stand adjourned once only to the next day, Sunday excepted, at noon.

Sect. 43. Proceedings of the School Meeting. Choice of a Chairman.

43.—The School Meeting being so constituted shall choose a Chairman from those present, and qualified to vote.

Sect. 44. Every Rate Payer qualified to vote, shall have one vote only, with the exception of the Chairman, who shall have two; all questions shall be decided by a majority of votes.

44.—Every such Rate-Payer shall have one Vote only, and the Chairman a casting Vote beside, and all questions shall be decided by a majority of Votes.

Sect. 45. Proposal of the Board shall be read, and Estimate of the sum required for the Salary of the Teacher, and the Maintenance of the Buildings and Current Expenses of the School shall be presented, and considered, and a Decision taken thereon.

45.—The School Meeting shall next proceed to transact the business relative to the purposes stated in the Requisition and none other, and first having heard read the Proposal and Schedule of the Board, and an Estimate to be presented by one or more of the Requisitionists of the Salary of the Teacher, the Maintenance and repairs of the Buildings for a School, for the residence of the Teacher, and for other purposes connected therewith, and of the Regular and Incidental expenses of such School, shall consider whether the establishing of such School be expedient, and whether in consideration of its being established pursuant to such Proposal and Schedule, it be advisable to levy on the Parish the amount of such expenses according to such Estimate, or if not, to what account in lieu thereof.

Sect. 46. If the Proposal of the Board shall be accepted, and the sum to be levied pursuant thereto be decided on, such acceptance and decision shall be reduced to the form of an Application for a Presentment.

46.—If the School Meeting shall decide on accepting the Proposal and on the amount and employment of the sum to be levied on the Parish pursuant thereto, such Decision shall be forthwith reduced to the form of an Application for a Presentment, and be certified on behalf of the Meeting by the Chairman.

Sect. 47. Amount of "School Fees" shall also be decided.

47.—The School Meeting shall also decide on the Sum or "School Fee" to be paid weekly by each Scholar who shall attend such proposed School, due regard being had to the population and circumstances of the Parish, or to the district of the Parish, wherein such School is proposed to be established, and such Decision shall be reduced to writing, and certified in like manner by the Chairman.

Sect. 48. Such Application for Presentment and Decision regulating amount of School Fees, together with other documents, shall be transmitted to the Grand Jury of the county in which the Parish is situate.

48.—The Chairman shall cause such Application for a Presentment, and such Decision regulating the amount of School Fee, together with Copies of the Proposal, and Schedule of the Board, and all Documents connected respectively therewith, to be transmitted at the usual time for forwarding Applications for Presentments for Roads to the Secretary of the Grand Jury of the County in which the Parish shall be situate.

 49.—Every

Sect. 49. And shall become a Presentment,

49.—Every such Application shall be inserted by such Secretary, on receipt thereof, in the list of Applications for Presentments to be submitted to the Grand Jury at the then ensuing Assizes, and in proof of the Proposal of the Board, and the usual forms having been complied with, and the Estimates and School Rate having been duly set forth, it shall become a Presentment of such Grand Jury, and shall be subject to traverse as in case of other Presentments, and if not traversed, shall be fiated by the Judge at the same Assizes; but no Money shall be levied till Notice shall be given of the opening of the School to the Treasurer of the County in which such Parish shall be situate.

but subject to traverse, and if not traversed, shall be fiated by the Judge; but no money shall be levied until Notice shall be given of opening of School.

Sect. 50. A Copy thereof shall be transmitted to the Board;

50.—When such Presentment shall be fiated, an attested Copy thereof shall be transmitted by the Secretary of the Grand Jury to the Board, and on receipt of such Copy, the Board shall forthwith carry into effect their Proposal for the establishing such School according to the Schedule annexed thereunto.

who, on receipt thereof shall carry into effect their Proposal.

Sect. 51. When carried into effect, the Board shall appoint a Teacher to the School,

51.—When such Proposal shall have been fully carried into effect, the Board shall appoint, pursuant to the provisions of this Act, a Teacher to the School, and give Notice that such School is open for the reception of Scholars to the Chairman of the School Meeting, and the Treasurer of the County in which the Parish shall be situate.

and give Notice of its being open for the reception of Scholars to the Chairman of the School Meeting, and to the Treasurer of the County.

Sect. 52. The Chairman shall, on receipt of such Notice, cause a Copy thereof to be posted,

52.—The Chairman of the School Meeting shall, on receipt of such Notice, cause a Copy thereof to be posted, and within *Seven* Days after such posting shall instal the Teacher with such forms as shall be prescribed by the Regulations of the Board.

and shall instal the Teacher.

Sect. 53. The Treasurer of the County, on receipt of such notice, shall cause the School Rate to be levied pursuant to Presentment,

53.—The Treasurer of the County, on receipt of such Notice, shall from time to time insert in his Warrant to the respective Collector of County Rates, after every Assizes, the sum to be levied for "School Rate," pursuant to such Presentment, in such Parish, until, subject to the provisions hereinbefore contained for regulating such proceedings, another Application, either altering or annulling such Presentment, shall have been decided on at a meeting held in such parish, with the approbation of the Board, and a Presentment founded on such Application shall have been fiated by the Judge of Assize.

until same shall be altered or annulled by another Presentment.

Sect. 54. And shall pay such School Rate to such Body or Person as the School Meeting may appoint to receive and apply the same.

54.—Such Treasurer shall pay for the use of such School such School Rate, when so levied, to the Parish through such Body or Person as a School Meeting thereof shall have appointed to receive the same.

Sect. 55. Parties desiring to apply Donations, Subscriptions or Bequests to the use

55.—Any party desiring to apply any Donation, Subscription or Bequest made in money, to the use of any School maintained by the Parish under the jurisdiction of the Board, may transmit or direct to

be

be transmitted such Donation, Subscription or Bequest to such Body or Person as a School Meeting of such Parish shall appoint to receive the same; and such Body or Person may apply such Donation, Subscription or Bequest to such use, subject to the Regulations of the Board.

of such School, may transmit same through such Body or Person.

Sect. 56. The School Meeting shall appoint a Committee, under title of "School Committee," for such purposes, and for the inspection of the School.

56.—The School Meeting, hereinbefore mentioned, before separating, shall appoint for the receiving and applying the "School Fund," whether under the name of "School Rate," or of "School Donations," "Subscriptions," or "Bequests;" and for the inspection of such School, a Committee, under the title of the "School Committee," of such Parish, of which the principal Protestant and Catholic Clergyman thereof, and the senior Magistrate and senior Physician residing therein, shall be permanent Members, and at least an equal number of Rate Payers, qualified to vote at School Meetings of such Parish, shall be elected Members.

Constitution of the School Committee.

Sect. 57. Continuance in office.

57.—Such Committee shall continue in office till the *First Monday* in *the month of June* next ensuing, and shall afterwards be re-appointed in the like manner from year to year, at a School Meeting to be held for such purpose, in like manner with the School Meeting at which they were appointed.

Sect. 58. Places and periods of Meeting.

58.—The School Committee shall meet as near as may conveniently be to the School-house, once at least in every month, and also whenever summoned by Notice, specifying the objects of such meeting, and signed by any Member of the Board, or any Inspector, or any *three* Members of the Committee, or by *twelve* Rate-Payers qualified to vote at a School Meeting of such Parish

Sect. 59. Choice of Chairman, Secretary and Treasurer;

the Treasurer to give security.

59.—The School Committee, at their first meeting, shall choose a Chairman, Secretary and Treasurer, to continue in office during the continuance of such Committee; and the Treasurer, on giving security to the amount of *One* year's School Rate, shall be authorized to receive all funds on account of the School, and to grant receipts for the same.

Sect. 60. Appointment of "School Visitors."

Duties thereof;

shall inspect the School, and report thereon to the School Committee.

60.—The School Committee shall, at the same meeting, appoint one or more of the Members of such Committee to act for such periods as may be determined thereby, as "Visitor" of such School, and may at any future meeting appoint instead of such Visitor, and for like periods and purposes, any other of the Members thereof, and such Visitor shall collect the School Fee, ascertain the attendance of the Scholars, inspect the School, and report on these subjects severally to the Committee.

 61.—The

Sect. 61. Duties of the School Committee; shall pay the Teacher, and provide for the Maintenance of the School Buildings, and for the preservation and Purchase of School Requisites, and for the Current expenses of the School.

61.—The School Committee shall, from the funds received for such purposes, pay half-yearly the School Salary and School Fees to the Teacher of such School, and shall provide for the Maintenance, repairs and improvement (if necessary) of such School, and for the Preservation and Purchase of Books and of all other Articles and Implements which may be required for teaching, and for the Fuel, Lighting and for the other Regular and Incidental expenses thereof.

Sect. 62. And shall watch over the good order and management of the School, without interfering with the privileges or functions of the Teacher.

62.—The School Committee shall watch over the punctual attendance of the Scholars, the cleanliness, ventilation and good order of the School, and of the health, comfort and general management thereof, without interfering with the course or methods of Instruction, or the Privileges or functions of the Teachers, unless with the sanction of the Board.

Sect. 63. The School Committee shall keep Records and Accounts; and exhibit them when legally required, and present a Report thereon, once a year, to the parish at the School Meeting.

63.—The School Committee shall keep an account of all their proceedings, and of all Receipts and Disbursements of Funds committed to their charge, and shall whenever required exhibit such Accounts and the Documents relating thereto to the Board, or to any of the Inspectors thereof, or to any of the Rate-Payers qualified to vote at a School Meeting of such parish, and shall at the Annual Meeting to be held for the appointment of the School Committee, and before proceeding to such appointment, exhibit such Accounts and Report thereon to such Meeting.

Sect. 64 Complaints or Proposals for amendment shall be first transmitted to the School Committee; and if the School Committee be incompetent, or unwilling to act, then to the School Inspectors, or to the Board.

64.—Any Member of the School Committee, or the Teacher of the School or any Rate-Payer qualified to vote at a School Meeting, who shall complain of the management of the School Fund, or the state or management of the School, or who shall propose to make any amendment therein, shall transmit in writing with his signature, such Complaint or Proposal in the first instance to the School Committee, and if such Committee be unwilling or incompetent to redress such Complaint, or to carry into effect such Proposal, then such Person may transmit the same to the Inspectors or to the Board for the consideration thereof respectively.

Sect. 65. Course to be followed when the Inhabitants of a Parish shall desire to establish a School; they shall Memorialize the Board to that effect, who thereupon shall forward a Proposal and Schedule to the Parish. The Parish shall proceed on receipt thereof, as if such Proposal and Schedule had, without such Memorial, been forwarded by the Board.

65.—Any principal Protestant or Catholic Clergyma nof any Parish in Ireland, or any Magistrate or Physician residing therein, or any *Twelve* Rate-Payers thereof, who shall desire that any School shall be established in such parish, may transmit a Memorial to that effect to the Board, on receipt whereof a Proposal and Schedule shall be forwarded by the Board, and proceedings taken thereon, as if such Proposal and Schedule had without such Memorial been forwarded by the Board.

66.—Any

Sect. 66. Course to be followed when any party shall desire Aid for erecting, outfitting and maintaining a School, such party shall Memorialize the Board to that effect; who thereupon may grant Aid for such purposes, on certain conditions and within certain limitations.

66.—Any Party requiring Aid towards defraying the expense of establishing, maintaining or improving a School and giving security for the permanence of such School, and submitting to the conditions and Regulations of the Board, may transmit a Memorial to that effect to the Board, and the Board may thereon grant such Aid in a proportion not exceeding *Two-thirds* of such expenses.

Sect. 67. Penalties for wilfully obstructing the execution of this Act.

67.—Any Chief Constable or Collector of County Rates, or any other Person who shall refuse or delay to perform the duties imposed on such Person by or under this Act, or shall wilfully obstruct or unduly interfere with the execution thereof, shall for every such offence, upon conviction thereof before any of the Justices of the Peace at Petty Sessions, forfeit a sum not exceeding *Five* Pounds, at the discretion of such Justices.

Sect. 68. Forms.

68.—The Forms contained in Schedules (A.) and (B.) shall be used far as they are applicable.

Sect. 69. Notices.

69.—All Notices shall be fairly written or printed, and signed by the Persons respectively giving the same, and (except in cases of meetings of the Board, Board Committees or School Committee) be posted on the principal outer-door of one at least of the places of Protestant and Catholic Worship, or on the other usual places for posting Notices of Applications for Presentments in the Parish.

Sect. 70. Construction of this Act.

70.—The provisions of this Act concerning a "County" shall apply to a Riding, to a County of a City or Town, and to a City and County; and those concerning "a Parish" to a Union of Parishes, and to any Parish forming a part of such Union; and those concerning "a County" to the County wherein the greater part in extent of the Parish is situate, so as to make the whole Parish within such County for the purposes of this Act; and those concerning "Grand Juries at Assizes," to Grand Juries at presenting Terms in the County and County of the City of Dublin; and those concerning "the Chief Governor," to the Lords Justices acting in his stead; and those concerning "the Chief Constable," to the Chief Peace Officer of every place where there is no Chief Constable; and those concerning "Protestant," to Protestant Dissenters as well as to members of the Established Church.

SCHEDULES to which this ACT refers.

SCHEDULE (A.)

1.—DEED of CONVEYANCE to the BOARD.

Parish of County of

I, L. M., in consideration of the sum of Pounds paid to me, or of an Annual Rent of Pounds, payable to me and my Assigns half-yearly, on every day of and day of and of the Rates and Taxes in respect of the hereinafter mentioned Hereditaments being paid, and of the same being repaired and kept in repair by the Board of National Education in Ireland, hereby assure to such Board and their successors for ever (or for a term of years, determinable by me or my Assigns on non-satisfaction of any of the reservations hereby made) according to an Act passed in the year of King WILLIAM the Fourth, and intituled, "An Act," all those, et cætera. In witness whereof, I and such Board have hereunto set our hands and seals this day of One thousand eight hundred and Thirty

(signed) L. M., (L.S.)

Signed, sealed and delivered in the presence of two Witnesses. A., B., C., Members of the Board.

2.—NOTICE of NON-APPLICATION or MISAPPLICATION of FUNDS, to the BOARD.

Parish of County of

WHEREAS [state the Hereditaments or other Property] which was [or, were] for the purposes of an Act passed in the year of the reign of WILLIAM the Fourth, and intituled, "An Act," et cætera, assured [or, given, or, bequeathed] to the Board of National Education in Ireland by B. C., of has [or, have] not been applied accordingly. Now I [or, we] hereby require you either to apply the same duly within six calendar months from the date hereof, or to re-assure or re-transfer the same to me [or, us] [or, to me, as heirs or executors, et cætera, of the said B. C.] pursuant to the same Act.

Dated this day of One thousand eight hundred and Thirty

(signed) B. C., or C. B., [state the right of Party].

To the Board of National Education in Ireland.

SCHEDULE (B.)

1.—REQUISITION for a SCHOOL MEETING.

Parish of County of

WE require you to summon a School Meeting, for considering the Proposal transmitted by the Board of National Education in Ireland, for establishing a School in this Parish, pursuant to the of WILLIAM the Fourth, chapter

Dated this day of One thousand eight hundred and Thirty

(signed) A. B., Protestant Rector.
[or, C. D., Catholic PP.]
[or, E. F., Senior Magistrate.]
[or, G. H., Senior Physician.]
[or, Rate Payers.]

To F. K., Chief Constable of Police.

2.—CHIEF CONSTABLE'S NOTICE for summoning a SCHOOL MEETING.

NOTICE.

Parish of County of

A SCHOOL MEETING will be held at [state the Place] on the day of at o'clock, to consider the Proposal transmitted by the Board of National Education in Ireland for establishing a School in this Parish pursuant to the of WILLIAM the Fourth, chapter

Dated this day of One thousand eight hundred and Thirty

(signed) F. K., Chief Constable of Police.

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3.—REQUISITION to the COLLECTOR for a RETURN of RATE-PAYERS.

Parish of County of

You are required to deliver to me a Return of Persons who have been charged with and have paid County Rates within your collection in this Parish, pursuant to the of WILLIAM the Fourth, chapter

Dated this day of One thousand eight hundred and Thirty

(signed) F. K., Chief Constable of Police.

To A. B., Collector of County Rates.

4.—COLLECTOR'S RETURN.

Parish of County of

No.	NAME.	AMOUNT charged.	AMOUNT paid.	Description of Property charged.	Residence.	No.
		£. s. d.	£. s. d.			
1	A. B.	8 4 2	8 3 –	Land & Houses		1
2	C. D.	5 8 6	5 6 –	Land - -		2
3	L. K.	3 4 2	3 4 2	Houses - -		3

I certify that the above is a true Return of the Names of all Rate-Payers, and of the sums charged on and paid by them respectively for Property within the Parish (or within my Collection in the Parish) under Presentments passed at Assizes occurring within the year preceding the date of this Return, pursuant to the of WILLIAM the Fourth, chapter

Dated this day of One thousand eight hundred and Thirty

(signed) A. B., Collector of County Rates in the Parish.

To F. K., Chief Constable of Police.

5.—CHIEF CONSTABLE'S LIST of RATE-PAYERS.

Parish of County of

No.	NAME.	AMOUNT paid.	Description of Property charged.	Residence.	No.
		£. s. d.			
1	A. B.	8 3 –	Lands and Houses -		1
2	C. D.	5 6 –	Land - - -		2
3	L. K.	3 4 2	Houses - - -		3
4	L. N.	3 2 –	House - - -		4

I certify that the above is a correct List, according to the Return [or, Returns] furnished to me by A. B., Collector [or, A. B. and B. C., Collectors] of County Rates in the Parish, pursuant to the of WILLIAM the Fourth, chapter

Dated this day of One thousand eight hundred and Thirty

(signed) F. K., Chief Constable of Police.

6.—NOTICE of APPEAL to the PETTY SESSIONS against CHIEF CONSTABLE'S LIST.

NOTICE.

Parish of County of

I SHALL appeal to the Petty Sessions at on the day of One thousand eight hundred and Thirty on account of the List of County Rate Payers, which was posted on the day of at in this Parish, not being [or, containing], [specify the cause of appeal], pursuant to the of WILLIAM the Fourth, chapter

Dated this day of One thousand eight hundred and Thirty

(signed) B. E., [add the residence.]

7.—ORDER to the CHIEF CONSTABLE to Correct his LIST.

Parish of County of

WHEREAS it has been proved to us, by the testimony of of that the Name of of is improperly omitted, [or, the Sum annexed to the Name of of is erroneously stated] in the List of Rate Payers posted on the day of at under the of WILLIAM the Fourth chapter We therefore hereby order you in such List to insert the Name of [or, to annex the sum of Pounds, instead of Pounds, to the Name of .] Given under our hands and seals this day of One thousand eight hundred and Thirty at Petty Sessions.

Justices of the Peace for the County, } C. D. (L. S.) E. F. (L. S.)

To F. K., Chief Constable of Police.

8.—ESTIMATE of ANNUAL SCHOOL EXPENSES.

Parish of County of

	HEADS OF EXPENSE.	AMOUNT. £. s. d.	AMOUNT. £. s. d.	OBSERVATIONS.
1. Teacher's Salary.	Salary to Teacher - - -	20 3 2	20 3 2	Parish is Mountainous and thinly peopled.
2. Maintenance of Schools.	Maintenance and repairs of School House - - -	6 10 -	16 10 -	Labour at 10*d.* per Day.
	Ditto ditto of Teacher's House	4 - -		
	Ditto ditto of Buildings connected therewith - -	6 - -		
3. Regular and Incidental Charges.	Fuel for School House - -			Turf, no Coal to be had near.
	Lighting for ditto - - -			
	Books - - - - - -			
	Slates and other School requisites - - - -			
	Agricultural Implements -			
	(State other incidental Charges)			
		Total - -		

We

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We certify the above to be the probable annual amount of School Expenses, for the School proposed to be established in this Parish, pursuant to the William the Fourth, chapter

Dated this day of One thousand eight hundred and thirty
(signed by *Three* Requisitionists, if so many.)

9.—APPLICATION for a Presentment for School Rate.

Parish of County of

Whereas pursuant to an Act passed in the year of King William the Fourth, and intituled, "An Act," et cetera, a School Meeting held in the Parish on the day of One thousand eight hundred and Thirty to consider the Proposal transmitted by the Board of National Education in Ireland, for establishing a School therein, did decide that such Proposal should be accepted, and that the sum of Pounds shall be levied for the several purposes set forth in the Schedule annexed hereto. Now I, as Chairman of such Meeting, certify such Decision, and Propose that such sum of Pounds shall be levied in the Par h for

Dated this day of One thousand eight hundred and Thirty
(signed) A. B., Chairman.

The Schedule must set forth in the same form and order as the Estimate, the several Sums intended to be levied in the Parish, and the proposed applications thereof.

10.—CERTIFICATE of Amount of School Fees.

Parish of County of

Whereas pursuant to an Act passed in the year of King William the Fourth, and intituled, "An Act," et cætera, a School Meeting held in the Parish on the day of One thousand eight hundred and Thirty to consider the Proposal transmitted by the Board of National Education in Ireland, for establishing a School therein, did decide that the sum of should be required weekly, under the name of "School Fee," from each Scholar attending such proposed School. Now I, as Chairman of such Meeting, certify such Decision and annex according to the opinion of such School Meeting, the probable amount of such School Fees. Dated this day of One thousand eight hundred and

(signed) A. B., Chairman.

The Schedule should set forth the Population of the Parish [or, the part thereof for which the School is to be established], the Number of Schools (if any) therein, and the probable Number of Children who would attend such proposed School.

11.—NOTICE for Summoning a School Committee.

NOTICE.

Parish of County of
A School Committee is requested to meet at [Place] on the day of at of the clock, pursuant to the of William the Fourth, chapter . Dated this day of One thousand eight hundred and

(signed) A. B., Member of School Committee.
[or, C. D., Inspector.]
[or, A. B., Rate-payers.]
L. M.
&c.

12.—MEMORIAL to the Board to establish a School.

Parish of County of

Whereas the Undersigned are desirous that a School [state description of the School] should be established in [state the part of the Parish,] in consequence of [state the grounds of application.] Now, We hereby request you will forward to the Parish a Proposal for that purpose, pursuant to the William the Fourth, chapter
Dated this day of One thousand eight hundred and Thirty

(signed by) A. B., Parish Rector.
[or, C. D. of Catholic P. P.]
[or, L. M. of J. P.]
[or, J. N. of M. D.]
[or, K. O. of Rate Payers.]

To the Board of National Education,
Dublin.

13.—MEMORIAL to the BOARD for Aid towards establishing, maintaining, or improving a SCHOOL.

Parish of County of

WHEREAS the Undersigned is [or, are] desirous of establishing [or, maintaining or improving] a School [state the description of School] in this Parish, in consequence of [state the grounds of application;] and is [or, are] ready to secure the permanence of the School, and to submit to the conditions and Regulations of the Board of National Education in Ireland, and to expend [or has, or have expended] the sum of Pounds, as follows, namely, [state the items and purposes;] I, [or, We] therefore, request that you will grant Aid for [state the objects,] pursuant to of WILLIAM the Fourth, chapter . Dated this day of One thousand eight hundred and Thirty

(signed) A. B., of [description]

To the Board of National Education,
Dublin.

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5 WILL. IV.—Sess. 1835.

(Ireland.)

A

B I L L

For the Establishment of a Board of National Education, and the advancement of Elementary Education in Ireland.

(Prepared and brought in by Mr. Wyse, the Earl of Kerry, and Mr. W. S. O'Brien.)

Ordered, by The House of Commons, to be Printed,
11 *June* 1835.

4 *June* 1835.

A

B I L L

More effectually to prevent Bribery and Corruption and unnecessary Charge and Expense in the Election of Members to serve in Parliament.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS it is expedient that the several Statutes now in force in the United Kingdom relating to Bribery and Charge and Expense in the Election of Members to serve in Parliament, should be repealed, and that the provisions therein contained should be amended and consolidated in one Act, and that further and more effectual means should be adopted for the prevention, detection and punishment of Corruption in any way relating to such Election; Preamble.

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *passing of this Act*, an Act passed in the seventh year of the reign of King WILLIAM the Third, intituled, "An Act for preventing Charge and Expense in Election of Members to serve in Parliament;" and an Act passed in the second year of the reign of King GEORGE the Second, intituled, "An Act for the more effectually preventing Bribery and Corruption in the Election of Members to serve in Parliament;" and an Act passed in the forty-ninth year of the reign of King GEORGE the Third, intituled, "An Act for better securing the Independence and Purity of Parliament, by preventing the procuring and obtaining of Seats in Parliament by corrupt Practices;" and also an Act passed in the seventh and eighth years of King GEORGE the Fourth, intituled, "An Act to make further Regulations for

1. Certain Statutes Repealed.

for preventing corrupt Practices at Elections of Members to serve in Parliament, and for diminishing the Expense of such Elections," shall be and the same are hereby Repealed, except so far as any of the said Acts may repeal the whole or any part of any former Acts, and except as to Offences and other matters committed or done before the *passing of this Act.*

2. Corruptly procuring or promoting the Return.

And be it Enacted, That if any Person shall at any time after the *passing of this Act* by himself, or by or with any other Person, corruptly give, pay or advance, or offer, promise or agree to give, pay or advance any Money, security, gift, loan, emolument, advantage or reward, or any office, place, benefice, commission or employment, to or for any Person whatsoever, or to or for the benefit or advantage of any county, city, district, parish or place, in order to procure or promote, or for having procured or promoted, the Return of any Person to serve in Parliament, every Person so offending shall, for every such offence, forfeit the sum of *Five hundred* Pounds; and if at the time of such offence he shall hold any Office under His Majesty, the sum of *One thousand* Pounds.

3. Corruptly obtaining Votes.

And be it Enacted, That if any Person shall at any time after the *passing of this Act* by himself, or by or with any other Person, by means of any gift, present, reward, bargain, loan, offer, promise, engagement or allowance, or by any ways, means, devices or contrivances whatsoever, corruptly procure, or attempt to procure, any Person to give or to refuse or forbear to give his Vote at any such Election, or shall by any ways or means corruptly reward or recompense any Person, directly or indirectly, for having given or refused or forborne to give his Vote at any such Election, he shall for every such offence forfeit the sum of *One hundred* Pounds.

4. Repaying or compensating any Person who has corrupted others.

And be it Enacted, That if any Person shall directly or indirectly by any ways, means, devices or contrivances whatsoever, in whole or in part repay or compensate, or cause to be so repaid or compensated, or undertake, engage or promise so to repay or compensate to any other Person any sum or sums of Money, or any costs, charges or expenses whatsoever paid, expended, incurred or borne, or to be paid or borne by such or any other Person in or about the corruptly inducing or endeavouring to induce any Voter to give or to refuse or forbear to give his Vote in any such Election, every Person so offending in any respect shall for every such offence forfeit the sum of *One hundred* Pounds.

5. Using violence or threats.

And be it Enacted, That if any Person shall at any time after the *passing of this Act* by himself, or by any other Person in any way whatsoever, procure or encourage, or endeavour to procure or encourage

courage the commission of any act of violence or intimidation, or use or cause to be used any threat with intent to prevent or hinder any Person having a right to vote at any such Election from giving his Vote thereat, or in order to compel or induce him to give his Vote for any particular Candidate, he shall for every such offence forfeit the sum of *Fifty* Pounds.

6. Persons guilty of Bribery incapacitated from sitting in Parliament.

And be it Enacted, That any Person who shall at any time after the *passing of this Act* be reported by a Select Committee duly appointed to try the merits of any such Election to have been guilty of any of the several offences aforesaid, or shall have Judgment obtained against him in any Action brought for the recovery of any of the Penalties aforesaid, or shall be otherwise lawfully convicted of any of the said offences, he shall thenceforth be and is hereby declared and enacted to be incapacitated to serve in that Parliament, and the vote of any such Person if given at any such Election shall be utterly void.

7. Allowances for loss of Time or Expenses in voting.

AND whereas corrupt inducements to vote at such Elections have been and may be practised under colour or pretence of giving or allowing to Voters a bonâ fide compensation for loss of time or for expenses incurred by them in attending for the purpose of voting at any such Election; BE it therefore Enacted, That if any Person shall at any time after the *passing of this Act* directly or indirectly give, offer or allow, or in any way promise to or for the use or advantage of any Voter, any gift, reward or compensation of any kind, as a consideration in whole or in part for any loss of time or for any expense incurred or to be incurred by or in travelling to or from or in attending at any such Election for the purpose of voting, he shall for every such offence forfeit the sum of *Fifty* Pounds.

8. Giving Meat, Drink or Provision.

And be it further Enacted, That if any Person shall at any time after the *passing of this Act*, by himself, or by or with any Person, or by any ways, means or devices, or under any colour, excuse or pretence whatsoever, directly or indirectly, give, present, allow, provide or procure, or promise, engage or agree to give, present, allow, provide or procure any meat, drink, entertainment or provision to or for any Person, with the intent or for the purpose of thereby corruptly influencing such or any other Person to give or to refuse or forbear to give his Vote in any such Election, or for the purpose of corruptly recompensing such or any other Person for having given or refused or forborne to give his Vote in any such Election, every Person so offending in any respect shall for every such offence forfeit the sum of *Fifty* Pounds.

9. Giving Meat, Drink, &c. during certain days.

And be it Enacted, That if any Person who shall offer himself or be proposed as a Candidate at any such Election, shall after the

passing of this Act directly or indirectly provide or allow, or at any time defray the expense of any meat, drink, provision or entertainment, which shall be or shall have been furnished to any Person attending merely as a Voter on the day or days on which any such Election or any nomination preparatory thereto shall be had and held, such providing, allowing or defraying shall be deemed and taken as sufficient evidence that such meat, drink, entertainment or provision was corruptly given, unless the contrary be proved.

10. Giving Cockades.

And be it further Enacted, That if any Person who shall be proposed as a Candidate at any such Election after the *passing of this Act*, by himself or by any other Person, directly or indirectly, give or allow or cause to be given or allowed to any Person any Cockade, Ribbon or other mark of distinction, with reference to such Election, he shall forfeit the sum of *Ten* Pounds.

11. Persons reported by Committee to be guilty of Bribery, incapacitated from sitting in Parliament.

And be it Enacted, That any Person who shall at any time after the *passing of this Act* be reported by such Select Committee as aforesaid to have been guilty of or shall be otherwise lawfully convicted of any of the offences last aforesaid, or shall have Judgment obtained against him in any Action brought for the recovery of any of the Penalties last aforesaid, he shall thenceforth be and is hereby declared and enacted to be incapacitated to serve as a Member in that Parliament for the county, borough or place for which he shall have been proposed as a Candidate, and his Vote if given at such Election shall be utterly void.

12. Penalty for receiving Money for voting.

And be it Enacted, That if any Person shall after the *passing of this Act* corruptly receive, demand or ask for, directly or indirectly, any money, gift, present, reward, gratuity, loan, office, preferment, place, benefice, commission or employment, or any treat, entertainment or provision, to or for himself or for any other Person, as a consideration for giving or forbearing to give, or for having given or forborne to give, or for corruptly inducing or having so induced, or for endeavouring or having endeavoured so to induce any other Person to give or to forbear to give his Vote at any such Election, he shall for each and every such offence forfeit the sum of *Fifty* Pounds, and also the amount or value of any money or security for money, gift, emolument or reward so received or accepted by him, and shall, if lawfully convicted of any such offence, be for ever incapable of holding any public office, place, benefice, commission or employment, and his Vote if given at such Election shall be utterly void.

13. Receiving Compensation for Loss of Time, or for Expenses.

And be it Enacted, That if any Person entitled or claiming to vote at any such Election shall after the *passing of this Act* directly or indirectly accept or receive, or agree or consent to accept or receive, any money

money or security for money or any valuable thing, as a consideration, though bonâ fide, for any loss of time, or for any expense incurred, or to be incurred by or in or about his travelling to or from or attending to vote at any such Election, or shall during any of the days appointed for taking the Poll, or on any day of nomination, receive or partake of any meat, drink, entertainment or provision which he shall at the time know or have good reason to suspect to be or to have been provided or procured at the expense of any Candidate at such Election, for the use or accommodation of Persons attending as Voters for such Candidate; or if any Person shall act at any such Election as Counsel, Agent, Attorney, Poll Clerk, Messenger, or in any other capacity for the purposes of such Election, or shall wear any ribbon, cockade or other mark of party distinction thereat, he shall be deemed incapable of voting at such Election, and his Vote, if given, shall be utterly void and of none effect.

Voter acting as Counsel, &c.

14.
Electors not bound to serve as Special Constables.

And be it Enacted, That no Elector at any such Election shall be liable or compelled to serve as a special Constable thereat, unless charged by some Magistrate or Peace Officer to assist in resisting or repressing any actual riot, disturbance or assault; and in no case shall he receive or be entitled to any fee or reward for acting as such Constable, or in aid of any Civil Officer as aforesaid.

15.
Oath to be taken by Members in The House of Commons.

And be it Enacted, That every Person who shall be returned at any such Election shall at the time that he shall take any other Oaths at the Table of The House of Commons as prescribed by any Law now in force, and immediately after such Oaths, take the Oath following; or if he shall by law be excused from taking an Oath, then he shall solemnly affirm to the effect thereof; (that is to say)

"I, A. B., do swear, [or, solemnly affirm], That I have not advanced, paid or promised, nor will I hereafter advance, pay or promise to any Person whatsoever any Money, Gift or Reward of any kind for the purpose of corruptly procuring or promoting, or for having corruptly procured or promoted my Return to serve in Parliament.

"So help me GOD."

16.
Oath to be taken by Voters.

And be it Enacted, That in all such Elections in future, every Voter, before he is admitted to poll, shall, if thereto required by any Candidate, or any Two of the Electors, take an Oath, or, being by law authorized so to do, make an Affirmation, as follows:

"I, A. B., do swear, [or, solemnly affirm], That I have not knowingly received, nor will I hereafter knowingly receive,

directly or indirectly, any Gift, Recompence or Reward whatsoever for or on account of the Vote which I am about to give. "So help me GOD."

17. Penalty on Returning Officer's admitting Persons to vote without being sworn.

And be it Enacted, That if any Returning Officer, or his lawful Deputy, shall admit any Person to vote without taking such Oath or Affirmation when so required, and which he is hereby empowered and directed to administer gratis, he shall forfeit the sum of *Fifty* Pounds.

18. Oath to be taken by Returning Officer.

And be it Enacted, That the Returning Officer at every such Election shall, immediately after reading the Writ or Precept for the Election of a Member or Members, take and subscribe the following Oath :

"I, A. B., do swear, That I have not received, nor will I receive, directly or indirectly, any Gift, Emolument or Reward whatsoever in consideration of my returning any particular Candidate or Candidates at this Election.

"So help me GOD."

Which Oath any Justice or Justices of the Peace of the County, City or Borough where such Election shall be had, or if no such Justice be present, any *Three* of the Electors is and are hereby authorized and required to administer, and such Oath so taken shall be entered among the records of the Sessions of such County, City or Borough.

19. Corruption at former Elections.

And be it Enacted, That whenever any Petition shall hereafter be preferréd against the Return of any Person to serve in Parliament at any Election had or held in consequence of the Return made at any former Election being declared void, the Select Committee to whom any such Petition shall be referred, shall and they are hereby required to inquire into and report upon any offences against this Act, charged to have been committed by such Person not only at the Election at which he shall have been so returned, but at such former Election as shall have been declared void as aforeaid.

20. Not lawful for Witnesses to object to answer Questions on the ground of the same criminating them.

And be it Enacted, That from and after the *passing of this Act*, no Person whatsoever shall be entitled to object to be examined as a Witness, or to answer any Question that shall be put to him before The House of Commons or any Committee thereof as aforesaid, or in any Action or Prosecution before any Court of Justice aforesaid, touching any corrupt or illegal practices whatsoever committed or alleged to have been committed at or with reference to any such Election, on the ground that such examination or the answer to such question may criminate himself, or that he is a party to any Petition relating

relating to any such Election: Provided nevertheless, That no such examination or answer shall at any time afterwards be given in evidence against such Person in the said House of Commons, or in any Court, Committee or place whatsoever, save and except on an Indictment for Perjury against such Person; and if the said House or any Committee or Court before whom he shall be examined as aforesaid, shall be satisfied with the answers given by such Person, he shall, if such answers shall implicate him in any such corrupt or illegal practices, be entitled to receive, gratis, a Certificate under the hand of The Speaker of the said House, or of the Chairman of such Committee, or of the presiding Judge in any such Court, as the case may be; which Certificate shall be a full and sufficient discharge of all penalties, disabilities and punishments which he shall or may be liable to for any offence in which such examination or answers shall implicate him as aforesaid.

21. Discoverer indemnified.

And be it Enacted, That if any Person shall, within the space of *Three* Months next after any offence committed against this Act shall become known to him, discover the Person or Persons by whom any such offence shall have been committed, so that the Person or Persons so discovered be thereof convicted, he shall himself be indemnified and discharged from all penalties and disabilities for any offence by him committed against this Act, such only excepted whereof he shall have been before that time duly convicted.

22. Making false Oath or giving false Evidence.

And be it Enacted, That if any Person shall wilfully make any of the Oaths or Affirmations aforesaid falsely, or give any false evidence relating to any of the offences aforesaid, and be thereof convicted, he shall suffer the pains and penalties of *Perjury*, and be for ever disabled to vote at any such Election, or to sit in Parliament; and the Prosecutor in any indictment for any such offence shall be entitled to his costs if the Court before whom such indictment shall be tried shall think fit to allow them.

23. Sheriffs to publish Notices.

And be it Enacted, That the Sheriff of every county shall, after the *passing of this Act*, on the receipt of any Writ for the Election of Members to serve in Parliament, insert or cause to be inserted in the several Newspapers which shall be published next after the receipt of such writ, in the county town or in any of the cities or boroughs of such county, a Notice, in the form or to the effect of the Notice given in a Schedule to this Act annexed; and such Sheriff and the Returning Officer of every City and Borough shall affix or cause to be affixed, a similar Notice, in large and legible characters, in some conspicuous place in or near to every Hustings or Polling-booth at any such Election; and every such Sheriff shall be entitled to charge the Expense of publishing such Notices in the Newspapers or on the Hustings or

Polling-booth of any City or Borough to the Returning Officers thereof respectively, who are hereby entitled to charge the same to the respective Candidates at any such Elections, along with any other Charges to which such Candidates are liable by law.

24. Recovery of Penalties.

And be it Enacted, That all Penalties and Forfeitures by this Act imposed, if incurred in England or Wales, shall and may be recovered, together with full costs of suit, by any Person who will sue for the same in an action of debt in any of His Majesty's Courts of Record at Westminster; or if incurred in Ireland, by like action in any of His Majesty's Courts of Record at Dublin; or if incurred in Scotland, then by summary action, complaint or prosecution, before the Court of Session or Court of Justiciary there.

25. Limitation of Proceedings.

And be it Enacted, That no Person shall be liable to any punishment, penalty or incapacity, for any offence committed against this Act, unless proceedings shall be had against him for such offence within *Six* calendar Months next after such offence shall have been committed, provided the same be carried on bonâ fide and without wilful or unnecessary delay.

THE

THE SCHEDULE

Referred to in the foregoing ACT.

COUNTY OF (A.) OR CITY OF (A.) OR BOROUGH OF (A.)

	FORFEITS. £.
He who corruptly procures or promotes the Return of any Person, if the offender hold office under His Majesty - - -	*1,000*
Any other Person so offending - - - - - -	*500*
He who corruptly obtains or attempts to obtain any Vote, for every offence - - - - - - - - - -	*100*
He who gives any thing for loss of time or expenses, or any meat or drink for voting - - - - - - - - -	*50*
He who receives any thing for voting - - - - -	*50*
He who threatens a Voter to compel or prevent his voting - -	*50*
Any Candidate or his Agent giving or allowing any ribbon or mark of distinction, for every one - - - - - - -	*10*

He who receives compensation for loss of time or expenses, or he who wears any ribbon or mark of distinction, forfeits his vote.

All Persons liable to be imprisoned till such fines are paid.

5 WILL. IV.—Sess. 1835.

A

B I L L

More effectually to prevent Bribery and Corruption and unnecessary Charge and Expense in the Election of Members to serve in Parliament.

(Prepared and brought in by Mr. Hardy and Mr. Aglionby.)

Ordered, by The House of Commons, *to be Printed,* 4 *June* 1835.

20 *March* 1835.

A

B I L L

To prevent Threats and Intimidation in the Election of Members to serve in Parliament.

[*Note.*—The words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS it is found by experience that Threats and Intimidation are frequently resorted to in the Election of Members to serve in the Commons' House of Parliament, and that by reason thereof the Return of Members to Parliament is not (as it should be) the result of the free, deliberate and spontaneous act of the Persons in whom the right of voting is vested; FOR Remedy whereof, and that such vicious Practices may, as far as possible, be prevented and restrained; BE IT ENACTED, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT upon every Election of any Member to serve for the Commons in Parliament, every Person having or claiming to have a right to vote or to be polled at such Election, shall, before he is admitted to poll at the same Election, take the following Oath, or (being one of the People called Quakers) shall make the solemn Affirmation appointed for Quakers, in case the same shall be demanded by either of the Candidates or any Two of the Electors:— Preamble.

1. Oath to be taken by Voters before polling.

"I, A. B., do swear [or, being one of the People called Quakers, do solemnly affirm], That I give my Vote at this Election uninfluenced by intimidation or by threat of violence or injury to my Person or Property, or to that of any Person or Persons connected with me by marriage, affinity or otherwise."

Which

Which Oath or Affirmation the Officer or Officers presiding or taking the Poll at such Election is and are hereby required to administer gratis, if demanded as aforesaid, upon pain of forfeiting the sum of *Fifty* Pounds of lawful money of Great Britain to any Person that shall sue for the same, to be recovered, together with full Costs of Suit, by action of debt, bill, plaint or information, in any of His Majesty's Courts of Record, wherein no essoin, protection, wager of law, or more than one imparlance shall be admitted or allowed; and if the said Offence shall be committed in that part of Great Britain called Scotland, then to be recovered, together with full Costs of Suit, by summary action or complaint before the Court of Session, or by prosecution before the Court of Justiciary there, for every neglect or refusal so to do; and no Person shall be admitted to poll till he has taken and repeated the said Oath or Affirmation in a public manner, in case the same shall be demanded as aforesaid, before the Returning Officer, or such others as shall be legally deputed by him.

2. Penalty for omitting to take the Oath.

And be it further Enacted, That if any Returning Officer shall admit any Person to be polled without taking such Oath or Affirmation, if demanded as aforesaid, such Returning Officer shall forfeit the sum of *One hundred* Pounds, to be recovered in manner aforesaid, together with full Costs of Suit; and that if any Person shall vote or poll at such Election without having first taken the Oath, or, if a Quaker, having made his Affirmation as aforesaid, such Person shall incur the Penalty which the Officer is subject to for the Offence above mentioned.

3. Persons threatening or otherwise intimidating Voters to be liable to Imprisonment.

And be it further Enacted, That if any Person shall by words, writing, printing, or otherwise howsoever, offer or threaten violence or injury to the Person or Property of any Person having a right to vote at any Election, or of any Persons connected with him by marriage, affinity or otherwise, or shall threaten to do or occasion to him or them any injury, loss or disadvantage in his or their profession, trade, business or worldly affairs, or that any such violence, injury, loss or disadvantage as aforesaid shall be done by any Person or Persons whatsoever, or shall by any other threats whatsoever, intimidate or attempt to intimidate any Person having such right as aforesaid, in order to induce him to vote or to deter him from voting at any Election as aforesaid, every Person so offending shall, on being thereof convicted by due course of law, be adjudged guilty of a *Misdemeanor*, and thereupon it shall and may be lawful for the Court by or before whom such Offender shall have been so tried and convicted, to sentence such Offender to Fine and Imprisonment, or both, at the discretion of the Court; and in case Imprisonment shall be the sentence or part of the sentence, then either with or without Hard Labour; and also, that it shall be lawful for such Court (in case any Person shall have previously been convicted of such Offence

as aforesaid) to sentence any such Offender to be imprisoned for the term of *Two* Years.

4. Persons convicted under this Act, incapacitated from voting.

And be it further Enacted, That every Person convicted under and in pursuance of this Act shall be for ever disabled and incapacitated to vote in any Election of any Member or Members to serve in Parliament in the United Kingdom of Great Britain and Ireland.

5. Court may receive Evidence of Voter alledged to have been threatened.

And be it further Enacted, That it shall be lawful for the Court by or before whom any Person shall be tried in pursuance of this Act to receive the testimony of any Person alleged to have been threatened or intimidated or attempted to be intimidated as aforesaid, although such Person shall have voted at any such Election as aforesaid, and taken the Oath or made the Affirmation required by this Act.

5 WILL. IV.—Sess. 1835.

A

B I L L

To prevent Threats and Intimidation in the Election of Members to serve in Parliament.

(Prepared and brought in by
Mr. Poulter and Mr. Fox Maule.)

Ordered, by The House of Commons, *to be Printed,*
20 *March* 1835.

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A

B I L L

To regulate the Expenses of Elections of Members to serve in Parliament for England and Wales.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS by an Act passed in the second year of the reign of His present Majesty, intituled, "An Act to amend the Representation of the People in England and Wales," in the Preamble of which, amongst other things, it is stated, that it is expedient to diminish the Expense of Elections, certain Expenses are made payable by the Candidates: Preamble. 2 W. 4. c. 45.

And whereas it is expedient yet further to diminish the Expense of Elections, to enable Candidates to be returned to Parliament free of Expense, to shorten the duration of Elections, to declare what Expenses are legal, and better to regulate the same:

And whereas it is by the said recited Act enacted, "That in all Elections whatever of Members to serve in any future Parliament, no inquiry shall be permitted at the time of polling as to the right of any person to vote, except only as follows; (that is to say) that the Returning Officer, or his respective Deputy, shall if required on behalf of any Candidate, put to any Voter, at the time of his tendering his Vote, and not afterwards, the following questions, or any of them, and no other: s. 58.

"1. Are you the same Person whose Name appears as A. B. on the Register of Voters now in force for the County of [or, for the Riding, Parts or Division, &c. or for the City, &c. as the case may be]?

" 2. Have you already voted either here or elsewhere at this Election for the County of [or, for the Riding, Parts or Division of the County of , or for the City or Borough of as the case may be]?

" 3. Have you the same Qualification for which your Name was originally inserted in the Register of Voters now in force for the County of, &c. [or, for the Riding, &c. or for the City, &c. as the case may be, specifying in each case the particulars of the Qualification, as described in the Register]?

And if any person shall wilfully make a false Answer to any of the questions aforesaid, he shall be deemed guilty of an indictable Misdemeanor, and shall be punished accordingly; and the Returning Officer, or his Deputy, or a Commissioner or Commissioners, to be for that purpose by him or them appointed, shall (if required on behalf of any Candidate at the time aforesaid) administer an Oath, (or in case of a Quaker or Moravian, an Affirmation), to any Voter, in the following form; (that is to say)

" You do swear, [or, being a Quaker or Moravian, do affirm,] That you are the same person whose name appears as A. B. on the Register of Voters now in force for the County of [or, for the Riding, Parts or Division of the County of or, for the City or Borough of as the case may be], and that you have not before voted either here or elsewhere at the present Election for the said County, [or, for the said Riding, Parts or Division of the said County, or for the said City or Borough, as the case may be.]

So help you GOD."

And no Elector shall hereafter, at any such Election, be required to take any oath or affirmation, except as aforesaid, either in proof of his Freehold or of his Residence, Age or other qualification or right to vote, any law or statute, local or general, to the contrary notwithstanding; and no person claiming to vote atany such Election shall be excluded from voting thereat, except by reason of its appearing to the Returning Officer, or his respective Deputy, upon putting such questions as aforesaid, or any of them, that the person so claiming to vote is not the same person whose name appears on such Register as aforesaid, or that he has previously voted at the same Election, or that he has not the same Qualification for which his Name was originally inserted in such Register, or except by reason of such person refusing to take the said oath or make the said affirmation, or to take or make the oath or affirmation against Bribery, or any other oath or affirmation now required by law, and not

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not hereby dispensed with; and no scrutiny shall hereafter be allowed by or before any Returning Officer with regard to any Votes given or tendered at any Election of a Member or Members to serve in any future Parliament; any law, statute or usage to the contrary notwithstanding:"

And whereas it is by the said recited Act further Enacted, "That at every contested Election of a Knight or Knights to serve in any future Parliament for any County, or for any Riding, Parts or Division of a County, the polling shall commence at Nine o'clock in the forenoon of the next day but two after the day fixed for the Election, unless such next day but two shall be Saturday or Sunday, and then on the Monday following, at the principal place of Election, and also at the several places to be appointed as hereinafter directed for taking polls; and such polling shall continue for Two Days only, such two days being successive days; that is to say, for Seven Hours on the first day of polling and for Eight Hours on the second day of polling; and no poll shall be kept open later than Four o'clock in the afternoon of the second day; any statute to the contrary notwithstanding:" s. 62.

And whereas it is by the said recited Act further Enacted, "That the respective Counties in England and Wales, and the respective Ridings, Parts and Divisions of Counties, shall be divided into convenient districts for polling, and in each district shall be appointed a convenient place for taking the poll at all Elections of a Knight or Knights of the Shire, to serve in any future Parliament, and such Districts and Places for taking the Poll shall be settled and appointed by the Act to be passed in this present Parliament for the purpose of settling and describing the Divisions of the Counties enumerated in the Schedule marked (F.) to this Act annexed; provided that no County, nor any Riding, Parts or Division of a County, shall have more than Fifteen Districts and respective Places appointed for taking the Poll for such County, Riding, Parts or Division:" 63.

And whereas it is by the said recited Act further Enacted, "That at every contested Election for any County, or Riding, Parts, or Division of a County, the Sheriff, Under Sheriff, or Sheriff's Deputy shall, if required thereto by or on behalf of any Candidate, on the day fixed for the Election, and if not so required may, if it shall appear to him expedient, cause to be erected a reasonable number of Booths for taking the Poll at the principal place of Election, and also at each of the polling places so to be appointed as aforesaid, and shall cause to be affixed on the most conspicuous part of each of the said Booths the names of the several Parishes, Townships and Places for which such Booth is respectively allotted; and no s. 64.

Person shall be admitted to vote at any such Election in respect of any property situate in any Parish, Township or Place, except at the Booth so allotted for such Parish, Township or Place; and if no Booth shall be so allotted for the same, then at any of the Booths for the same District; and in case any Parish, Township, or Place shall happen not to be included in any of the Districts to be appointed, the Votes in respect of property situate in any Parish, Township or Place so omitted shall be taken at the principal place of Election for the County, or Riding, Parts or Division of the County, as the case may be:"

s. 65. And whereas it is by the said recited Act further Enacted, "That the Sheriff shall have power to appoint Deputies to preside and Clerks to take the Poll at the principal place of Election, and also at the several places appointed for taking the Poll for any County, or any Riding, Parts, or Division of a County; and that the Poll Clerks employed at those several places shall, at the close of each day's Poll, inclose and seal their several books, and shall publicly deliver them, so inclosed and sealed, to the Sheriff, Under Sheriff, or Sheriff's Deputy presiding at such Poll, who shall give a receipt for the same, and shall, on the commencement of the Poll on the second day, deliver them back, so inclosed and sealed, to the persons from whom he shall have received them; and on the final close of the Poll every such Deputy who shall have received any such Poll-books shall forthwith deliver or transmit the same, so inclosed and sealed, to the Sheriff or his Under Sheriff, who shall receive and keep all the Poll-books unopened until the re-assembling of the Court on the day next but one after the close of the Poll, unless such next day but one shall be Sunday, and then on the Monday following, when he shall openly break the seals therein, and cast up the number of Votes as they appear on the said several Books, and shall openly declare the state of the Poll, and shall make proclamation of the Member or Members chosen, not later than Two of the clock in the afternoon of the said day:"

s. 67. And whereas it is by the said recited Act further Enacted, "That at every contested Election of a Member or Members to serve in any future Parliament for any City or Borough in England, except the Borough of Monmouth, the Poll shall commence on the day fixed for the Election, or on the day next following, or at the latest on the third day, unless any of the said days shall be Saturday or Sunday, and then on the Monday following, the particular day for the commencement of the Poll to be fixed by the Returning Officer; and such polling shall continue for Two Days only, such two days being successive days (that is to say), for Seven Hours on the first day

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day of polling, and for Eight Hours on the second day of polling; and that the Poll shall on no account be kept open later than Four of the clock in the afternoon of such second day; any Statute to the contrary notwithstanding:"

And whereas it is by the said recited Act further enacted, "That at every contested Election of a Member or Members to serve in any future Parliament for any City or Borough in England, except the Borough of Monmouth, the Returning Officer shall, if required thereto by or on the behalf of any Candidate on the day fixed for the Election, and if not so required may, if it shall appear to him expedient, cause to be erected for taking the Poll at such Election different Booths for different Parishes, Districts or Parts of such City or Borough, which Booths may be situated either in one place or in several places, and shall be so divided and allotted into Compartments as to the Returning Officer shall seem most convenient, so that no greater number than Six Hundred shall be required to poll at any one Compartment; and the Returning Officer shall appoint a Clerk to take the Poll at each Compartment, and shall cause to be affixed on the most conspicuous part of each of the said Booths the names of the several Parishes, Districts and Parts for which such Booth is respectively allotted; and no Person shall be permitted to vote at any such Election, except at the Booth allotted for the Parish, District or part wherein the property may be situate in respect of which he claims to vote, or in case he does not claim to vote in respect of property, then wherein his place of abode is described in the Register may be; but is case no Booth shall happen to be provided for any particular Parish, District or part as aforesaid, the Votes of the Persons voting in respect of Property situate in any Parish, District or Part so omitted, or having their Places of Abode therein, may be taken at any of the said Booths, and the Votes of Freemen residing out of the limits of said City or Borough may be taken at any of the said Booths; and public notice of the situation, division and allotment of the different Booths shall be given Two Days before the commencement of the Poll by the Returning Officer; and in case the Booths shall be situated in different places, the Returning Officer may appoint a Deputy to preside at each place; and at every such Election the Poll Clerks, at the close of each day's Poll, shall enclose and seal their several Poll-books, and shall publicly deliver them, so enclosed and sealed, to the Returning Officer or his Deputy, who shall give a receipt for the same, and shall on the commencement of the Poll on the second day deliver them back, so enclosed and sealed, to the persons from whom he shall have received the same; and every Deputy so receiving any such Poll-books on the final close s. 68.

of the Poll, shall forthwith deliver or transmit the same, so enclosed and sealed, to the Returning Officer, who shall receive and keep all the Poll-books unopened until the following day, unless such day be Sunday, and then till the Monday following, when he shall openly break the seals thereon, and cast up the number of Votes as they appear on the said several Books, and shall openly declare the state of the Poll, and make proclamation of the Member or Members chosen, not later than Two of the clock in the afternoon of the said day: Provided always, That the Returning Officer, or his lawful Deputy, may, if he think fit, declare the final state of the Poll, and proceed to make the Return immediately after the Poll shall have been lawfully closed: Provided also, That no Nomination shall be made or Election holden of any Member for any City or Borough in any Church, Chapel or other place of Public Worship:"

s. 69. And whereas it is by the said recited Act provided and enacted, "That so far as relates to the several Boroughs of New Shoreham, Cricklade, Aylesbury and East Retford, as defined by this Act, the said several Boroughs shall be divided into convenient Districts for polling, and there shall be appointed in each District a convenient Place for taking the Poll at all Elections of Members to serve in any future Parliament for each of the said Boroughs, which Districts and Places for taking the Poll shall be settled and appointed by an Act to be passed in this present Parliament:"

s. 70. And whereas it is by the said recited Act further enacted, "That nothing in this Act contained shall prevent any Sheriff or other Returning Officer, or the lawful Deputy of any Returning Officer, from closing the Poll previous to the expiration of the time fixed by this Act in any case where the same might have been lawfully closed before the passing of this Act, and that where the proceedings of any Election shall be interrupted or obstructed by any riot or open violence, the Sheriff or other Returning Officer, or the lawful Deputy of any Returning Officer, shall not for such cause finally close the Poll; but in case the proceedings shall be so interrupted or obstructed at any particular Polling Place or Places, shall adjourn the Poll at such Place or Places until the following day, and, if necessary, shall further adjourn the same until such interruption or obstruction shall have ceased, when the Returning Officer or his Deputy shall again proceed to take the Poll at such Place or Places; and any day whereon the Poll shall have been so adjourned shall not, as to such Place or Places, be reckoned one of the two days of polling at such Election within the meaning of this Act; and wherever the Poll shall have been so adjourned by any Deputy of any Sheriff or other Returning Officer,

such

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such Deputy shall forthwith give notice of such Adjournment to the Sheriff or Returning Officer who shall not finally declare the state of the Poll, or make proclamation of the Member or Members chosen, until the Poll so adjourned at such Place or Places as aforesaid shall have been finally closed and delivered or transmitted to such Sheriff or other Returning Officer; any thing hereinbefore contained to the contrary notwithstanding:

And whereas it is by the said recited Act further enacted, "That from and after the end of this present Parliament all Booths erected for the convenience of taking Polls shall be erected at the joint and equal expense of the several Candidates, and the same shall be erected by contract with the Candidates, if they shall think fit to make such contract, or if they shall not make such contract then the same shall be erected by the Sheriff or other Returning Officer, at the expense of the several Candidates as aforesaid, subject to such limitation as hereinafter next mentioned; (that is to say) that the expense to be incurred for the Booth or Booths to be erected at the principal places of Election for any County, Riding, Part or Division of a County, or at any of the Polling Places so to be appointed as aforesaid, shall not exceed the sum of Forty Pounds in respect of any one such Polling Places; and that the expense to be incurred for any Booth or Booths to be erected for any Parish, District, or Part of any City or Borough, shall not exceed the sum of Twenty-five Pounds in respect of any one such Parish, District or Part; and that all Deputies appointed by the Sheriff or other Returning Officer shall be paid each Two Guineas by the day, and all Clerks employed in taking the Poll shall be paid each One Guinea by the day, at the expense of the Candidates at such Election: Provided always, That if any Person shall be proposed without his consent, then the Person so proposing him shall be liable to defray his share of the said expenses, in like manner as if he had been a Candidate; Provided also, That the Sheriff or Returning Officer may, if he shall think fit, instead of erecting such Booth or Booths as aforesaid, procure or hire and use any Houses or other Buildings for the purpose of taking the Poll therein, subject always to the same regulations, provisions, liabilities and limitations of expense as are hereinbefore mentioned with regard to Booths for taking the Poll:" s. 71.

And whereas it is by the said recited Act further enacted, "That at every contested Election for the Borough of Monmouth, or for any Shire, Town or Borough named in the Second Column of the said Schedule (E.), or for the Borough composed of the said five Towns, or for the Borough of Brecon, the polling shall commence on the day next after the day fixed for the respective Election, unless such next day be Saturday or Sunday, and then on the Monday s. 74.

Monday following, as well at Monmouth as at Newport and Usk respectively, and as well at the Shire Town or Borough as at each of the Places sharing in the Election therewith respectively, and as well at Swansea as at each of the four other Towns respectively, and such Polling shall continue for Two Days only, such two days being succeesive days, (that is to say) for Seven Hours on the first day of polling, and for Eight Hours on the second day of polling, and that the Poll shall on no account be kept open later than Four of the clock in the afternoon of such second day; and the Returning Officer of the Borough of Monmouth shall give to the Deputies for Newport and Usk respectively, and the Returning Officer of every Shire Town or Borough named in the second column of the said Schedule (E.) shall give to the Deputy for each of the places sharing in the Election for such Shire Town or Borough, notice of the day fixed for such respective Election, and shall, before the day fixed for such respective Election, cause to be made and to be delivered to every such Deputy a true Copy of the Register of Voters for the Borough of Monmouth, or for such Shire Town or Borough, as the case may be, and shall under his hand certify every such Copy to be true; and the Portreeve of the Town of Swansea shall give notice of the day of Election to the Deputy for each of the Towns of Loughor, Neath, Aberavon and Ken-fig, and shall in like manner cause to be made and to be delivered to every such Deputy a true and certified Copy of the Register of Voters for the Borough composed of the said five Towns; and the respective Deputies for Newport and Usk, and for the respective places named in the first column of the said Schedule (E.), as well as for the Towns of Loughor, Neath, Aberavon and Ken-fig, shall respectively take and conduct the Poll, and deliver or transmit the Poll-books in the same manner as the Deputies of the Returning Officers of the Cities and Boroughs in England are hereinbefore directed to do, and shall have the same powers and perform the same duties in every respect as are respectively conferred and imposed on the said Deputies by this Act: Provided always, That where there shall be a Mayor, Portreeve or other chief Municipal Officer in any Town or Place for which the Returning Officer or the Portreeve of Swansea is required to appoint a Deputy as aforesaid, such Returning Officer or the Portreeve of Swansea, as the case may be, is hereby required to appoint such chief Municipal Officer for the time being to be such Deputy for such Town or Place:"

2 & 3 W. 4. c. 64. s. 29.

And whereas by an Act passed in the second and third year of the reign of His present Majesty, intituled, "An Act to settle and describe the Divisions of Counties and the Limits of Cities and Boroughs in England and Wales, in so far as respects the Election of Members to serve in Parliament," and commonly called "The Boundary

Boundary Act," it is enacted, "That the Poll for the Election of Knights of the Shire shall be taken at such Places as in the Schedule to this Act annexed, marked (N.), are mentioned in conjunction with the names of the Counties, and of the Ridings, Parts and Divisions of Counties, in which such Places are respectively situated.

And whereas it is by the said Boundary Act further enacted, "That the Poll for the Election of Members to serve in Parliament for the said several Boroughs of New Shoreham, Cricklade, Aylesbury and East Retford shall be taken at the place or places which in the Schedule to this Act annexed, marked (N. 2), is or are mentioned in conjunction with the names of such several Boroughs respectively:" s. 32.

And whereas it is expedient, in order to the better carrying into effect the purposes aforesaid, that so much of the said Enactments, Declarations and Provisions of the said recited Acts as is hereinbefore recited and set forth, should be repealed, and other Enactments, Declarations and Provisions made in lieu thereof; **Be it Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT so much of the said Acts as is hereinbefore recited shall be and the same is hereby Repealed.

1. Recited Enactments of Reform and Boundary Acts Repealed.

And be it Enacted, That in all Elections whatever of Members to serve in Parliament no inquiry shall be permitted at the time of polling as to the right of any Person to vote except only as follows; (that is to say) that the Returning Officer, or his respective Deputy, or Poll Clerk shall, if required by or on behalf of any Candidate, or by or on behalf of any Elector who shall have proposed such Candidate, put to any Voter at the time of his tendering his Vote, and not afterwards, the following questions, or either of them, and no other:

2. No inquiry at the time of Election, except as to identity of Voter, whether he has voted before at the same Election,

1. Are you the same Person whose name appears as A. B. on the Register of Votes now in force for the County of [or, for the Riding, Parts or Division, &c. or, for the City, &c. as the case may be]?

2. Have you already voted either here or elsewhere at this Election for the County of [or, for the Riding, Parts or Division of the County of , or for the City or Borough of as the case may be]?

Form of Question as to these points.

And if any Person shall wilfully make a false answer to either of the questions aforesaid, he shall be liable to the pains and penalties of *Perjury*, and on being duly convicted thereof, shall be punished accordingly; and no Person voting or claiming to vote, at any such Election, shall be required to take the Oaths of allegiance, supremacy or abjuration, or to take or make any Oath or Declaration in lieu thereof,

False Answers punishable as Perjury.

All Oaths abolished, except the Bribery Oath.

thereof, or any other Oath, solemn Affirmation or Declaration whatever, except the Oath or Affirmation against Bribery, where the same shall be duly required to be taken; and no Person claiming to vote at any such Election shall be excluded from voting thereat, except by reason of its appearing to the Returning Officer, or his respective Deputy, upon such questions as aforesaid, or either of them, being put, that the person so claiming to vote is not the same person whose name appears on such Register as aforesaid, or that he has previously voted at the same Election, or except by reason of such Person refusing to make answer to either of the said questions, or to take or make the Oath or Affirmation against Bribery; and no scrutiny shall hereafter be allowed by or before any Returning Officer with regard to any Votes given or tendered at any Election of a Member or Members to serve in Parliament; any law, statute or usage to the contrary notwithstanding.

3. Commencement and continuance of Polls at County Elections.

And be it Enacted, That at every contested Election of a Knight or Knights to serve in Parliament for any County, or for any Riding, Parts or Division of a County, the polling shall commence at of the clock in the forenoon of the next day but two after the day fixed for the Election, unless such next day but two shall be Sunday, and then on the Monday following, at the principal place of Election, and also at the several Places to be appointed as hereinafter directed for taking the Polls, and such polling shall continue for *One* Day only, that is to say, until of the clock in the afternoon of the same day, and not later; any law or statute to the contrary notwithstanding.

4. County Polling Places, what to be.

And be it Enacted, That at every contested Election of a Knight or Knights of the Shire, the Polls for such Election shall be taken at the several Places which shall be appointed and named for that purpose by the Justices of the Peace for the several Counties, Ridings and Parts of Counties, in the manner hereinafter in that behalf directed.

5 Polling Places and Districts to be provided in Counties by the Justices.

And be it Enacted, That the Justices of the Peace for every County in England and Wales, and for each of the Ridings of Yorkshire, and for the Parts of Lindsey, and for the Parts of Kesteven and Holland, in Lincolnshire, assembled at the next Quarter Sessions to be holden after the *passing of this Act*, or at some Special Sessions to be appointed by them so assembled as aforesaid, which shall be holden on or before the *First* day of *December*, in the present year, and in any succeeding year, if they shall think fit, at some Special Sessions to be appointed by them at the Michaelmas Quarter Sessions in such year, shall appoint and name, in addition to and inclusive of the principal Place of Election for the particular County, Riding, Parts or Division of a County, such Places within such County, Riding, Parts or Division respectively as to them shall seem expedient for taking the Poll at Elections

tions for such County, Riding, Parts or Division; and such Justices shall then and there divide such County, Riding, Parts or Division into convenient Districts for Polling, and shall assign one of such Districts to every Polling Place which they shall have so appointed and named as aforesaid, without reference (except where they shall so think fit) to any existing division and assignment of Districts; and a new List, naming and describing the principal place of Election, and the other Polling Places for every County, Riding, Parts and Division, which they shall have so appointed and named as aforesaid, and also naming and describing the several Districts which such Justices shall have so assigned to the principal place of Election, and to every other such Polling Place as aforesaid, shall be forthwith lodged with the Clerk of the Peace for the particular County, Riding, Parts or Division, who shall forthwith cause the same to be submitted to His Majesty, in order to have his sanction and approval thereof, by and under the advice of His most Honourable Privy Council; and when the same shall have been so sanctioned and approved of, the Clerk of the Peace shall forthwith cause such List to be published in the London Gazette, and also in one Newspaper generally circulated in such County, and shall also forthwith cause copies of the same to be printed, and shall deliver a true copy of such List to every Person who shall apply for the same, upon payment of *One* Shilling for each copy; and no such appointment of Polling Places, or division and assignment of Districts which shall be so made as aforesaid, shall be of any force or effect until after the expiration of *Three* calendar Months from the time of the List, naming and describing the same, being so published in the London Gazette as aforesaid, at the expiration of which *Three* calendar Months, the appointment of Polling Places, and division and assignment of Districts so made by such Justices as aforesaid, shall commence and take effect, and thereupon the present Division into Districts of every such County, Riding, Parts and Division, and the assignment of one of such Districts to every Polling Place mentioned in the Schedule marked (N.) to the said Boundary Act annexed, shall cease and be void.

Lists to be made.

To be approved by the King in Council.

List to be published in the London Gazette.

6.

In what Counties, &c. places having separate jurisdiction are to be considered as being.

Provided always, and be it Enacted, That for the purpose of appointing Polling Places in the manner hereinbefore directed, and dividing and assigning Districts to such Polling Places, every Liberty, Franchise and Place having a separate and exclusive jurisdiction shall be considered as being within the County, and within the Division, Riding or Parts in which such Liberty, Franchise or Place is placed by either of the said hereinbefore recited Acts, or in which the same is locally situated: Provided nevertheless, That the Justices of the Peace for the Isle of Ely assembled at the Quarter Sessions for the said Isle of Ely to be holden next after the *passing of this Act*, or at some Special Sessions to be appointed by them so assembled as aforesaid, which shall be holden on or before the *First* day of *December* in this present year, and in any succeeding year, if they shall think

Provision as to the Isle of Ely.

think fit, at some Special Sessions, to be appointed by them at the Michaelmas Quarter Sessions in such year, shall appoint and name such Places within the said Isle as to them shall seem expedient for taking the Poll at Elections for the County of Cambridge; and such Justices shall then and there divide the said Isle into convenient Districts for polling, and shall assign one of such Districts to every Polling Place within the said Isle which they shall have appointed and named as aforesaid, without reference (except where they shall so think fit to any existing division and assignment of Districts in the said Isle;

Lists to be made;

and a new List, naming and describing the several Polling Places for the said Isle, which they shall have so appointed and named as aforesaid, and also naming and describing the several Districts which such Justices shall have so assigned to such several Polling Places as aforesaid, shall be forthwith lodged with the Clerk of the Peace for the said Isle of Ely, who shall forthwith cause the same to be

to be approved by the Privy Council;

submitted to His Majesty, in order to have His sanction and approval thereof, by and under the advice of His most Honourable Privy Council; and when the same shall have been so sanctioned and approved of, the Clerk of the Peace for the said Isle shall forthwith

to be published in the London Gazette.

cause such List to be published in the London Gazette, and also in one Newspaper generally circulated in such County, and and shall also forthwith cause copies of the same to be printed, and shall deliver a true copy of such List to every Person who shall apply for the same, upon payment of *One* Shilling for such copy; and shall also allow such List, or a true Copy thereof, to be inspected at his Office at all reasonable hours; and no such appointment of Polling Places or division and assignment of Districts within the said Isle shall be of any force or effect until after the expiration of *Three* calendar Months from the time of the List, naming and describing the same, being so published in the London Gazette as aforesaid, at the expiration of which *Three* calendar Months the appointment of Polling Places and division and assignment of Districts so made by such Justices as aforesaid shall commence and take effect, and thereupon the present division into Districts of the said Isle of Ely, as well as the assignment of one of such Districts to every Polling Place in the said Isle mentioned in the Schedule marked (N.) to the said Boundary Act annexed, shall cease and be void.

7.

Polling Places for New Shoreham, &c.

And be it Enacted, That the Poll for the Election of Members to serve in Parliament for the several Boroughs of New Shoreham, Cricklade, Aylesbury and East Retford, shall be taken at the several Places which shall be appointed and named for that purpose by the Justices of the Peace for the several Counties wherein such Boroughs are situated respectively, in the manner hereinafter in that behalf directed.

8.

Polling Places and Districts for New Shoreham, &c.

And be it Enacted, That the Justices of the Peace for the respective Counties in which the said several Boroughs of New Shoreham,

Shoreham, Cricklade, Aylesbury and East Retford are situated, shall when assembled at the Quarter Sessions to be holden next after the *passing of this Act*, or at some Special Sessions to be appointed by them so assembled as aforesaid, which shall be holden on or before the *First* day of *December* in the present year, and in any succeeding year, if they shall think fit, at some Special Sessions to be appointed by them at the Michaelmas Quarter Sessions in such year, appoint and name such places within the said several four last-mentioned Boroughs respectively as to them shall seem expedient for taking the Polls at Elections for each of such Boroughs respectively; and such Justices shall then and there divide the said Boroughs respectively into convenient Districts for polling, and shall assign One of such Districts to every such Polling Place which they shall have appointed and named as aforesaid, without reference (except where they shall so think fit) to any existing division and assignment of Districts within the Four last-mentioned Boroughs; and a new List, naming and describing the several Polling Places for said Four last-mentioned Boroughs respectively, which they shall have so appointed and named as aforesaid, and also naming and describing the several Districts which such Justices shall have so assigned to such several Polling Places as aforesaid, shall be forthwith lodged with the Returning Officer of each such Borough respectively, who shall forthwith cause the same to be transmitted to His Majesty in order to His sanction and approval thereof, by and under the advice of His most Honourable Privy Council, and when the same shall have been so sanctioned and approved of, the Returning Officer for each such Borough respectively shall forthwith cause such List to be published in the London Gazette, and also in some Newspaper circulated in the said several Boroughs, and shall also cause copies thereof to be printed and to be fixed on the doors of the several Churches and Chapels within the particular Borough for which such Polling Places shall have been appointed and named, and Districts assigned as aforesaid; and no such appointment of Polling Places, or division and assignment of Districts within such four last-mentioned Boroughs, or any of them, shall be of any force or effect until after the expiration of *Three* calendar Months from the time of the List, naming and describing the same, being so published in the London Gazette and Newspaper as aforesaid, at the expiration of which *Three* calendar Months as the appointment of Polling Places and division and assignment of Districts for such four last-mentioned Boroughs so made by such Justices as aforesaid shall commence and take effect, and thereupon the present division into Districts of such four last-mentioned Boroughs, and the assignment of one of such Districts to every Polling Place for each of such Boroughs mentioned in the Schedule marked (N. 2.) to the said Boundary Act annexed, shall cease and be void.

List to be made.

9. The King in Council may alter appointment of Polling Places, &c.

And be it Enacted, That if His Majesty, by and under the advice of His most Honourable Privy Council, shall be pleased to order any addition or alteration to to be made in any appointment of Polling Places, or division and assignment of Districts which shall have been so submitted to him as aforesaid, such addition or alteration shall be made accordingly, and the List naming and describing such Polling Places and Districts shall be made conformable thereto; and in case His Majesty, by and under such advice as aforesaid, shall refuse to sanction and allow any such appointment of Polling Places, or division and assignments of Districts, or to add to or alter the same, the Justices of the Peace for the particular County, Riding or Parts, and in the case of the Isle of Ely, the Justices of the Peace for said Isle, and in the case of any one of the Boroughs of New Shoreham, Cricklade, Aylesbury and East Retford, the Justices of the Peace for the County wherein such Borough is situated, when assembled at the Quarter Sessions of the Peace to be holden next after the time when His Majesty, by and under such advice as aforesaid, shall have refused to sanction and allow any such appointment, division or assignment, or to add to or alter the same, shall make a new appointment of Polling Places and division and assignment of Districts in the manner hereinbefore in that behalf directed; and thereupon a new List naming and describing the same shall forthwith be lodged with the Clerk of the Peace or Returning Officer, as the case may be, and shall be submitted to His Majesty, in order to His sanction and approval thereof, by and under the advice of His most Honourable Privy Council in manner aforesaid, and so on from time to time until an appointment of Polling Places and division and assignment of Districts shall have been duly sanctioned and approved of by His Majesty, by and under such advice as aforesaid, whereupon the same shall take effect in the same manner, and subject to the same enactments, limitations and provisions as are hereinbefore enacted and provided with respect to the original appointment of Polling Places and division and assignment of Districts so directed to be made as aforesaid.

Justices to make new appointments of Polling Places, &c. in case the King in Council refuse to sanction former Appointment.

Such new Appointments to be finally approved by the King in Council.

10. Power in Justices to alter the Polling Places and Districts.

And be it Enacted, That the Justices of the Peace for every County, Riding or Parts of a County, and in the case of the Isle of Ely, the Justices of the Peace for the said Isle, and in the case of the Boroughs of New Shoreham, Cricklade, Aylesbury and East Retford, the Justices of the Peace for the respective Counties wherein those Boroughs are situated, when assembled at the Epiphany Quarter Sessions in any year, shall, upon receiving a request in writing in that behalf signed by the Sheriff of the particular County, Riding, Parts or Division, or by the Returning Officer of any one of such Boroughs, or by not fewer than Electors, whose names shall be upon the Register of Voters for the particular County, Riding,

Riding, Parts or Division, or for such particular Borough in force for the then current year, (provided such request so signed as aforesaid be delivered to the Clerk of the Peace for the particular County, Riding, or parts of a County, or for the Isle of Ely, as the case may be, days before such Sessions shall be holden,) if they shall so think fit, add to, vary or alter the then existing appointment and assignment of Polling Places and Districts in such manner as to them shall seem expedient; and in all cases where any such variation, alteration or addition shall have been so made by such Justices, a new List naming and describing the Polling Places, and the division and assignment of Districts, according to such alteration, variation or addition, shall be forthwith made, and such variation, addition and alteration of Polling Places or Districts, and also such new Lists, shall be subject, with regard to the approval thereof by His Majesty, by and under the advice of His most Honourable Privy Council, and in every other respect, to the same enactments, limitations and provisions as the original appointment of Polling Places, and division and assignment of Districts, and the List describing the same which shall have been first made under the provisions of this Act.

11. Booths, how to be provided at Elections for Counties.

And be it Enacted, That at every contested Election for any County, Riding, Parts or Division of a County, the Sheriff, Under-Sheriff or Sheriff's Deputy, shall, if required thereto by or on behalf of any Candidate, or by or on behalf of any Elector who shall have proposed any Candidate on the day fixed for the Election, and if not so required may, if it shall appear to him expedient, cause to be erected at the principal place of Election, and also at the several Polling Places appointed and named for that purpose in the manner hereinbefore in that behalf directed, and not elsewhere, a reasonable number of Booths for taking the Poll, and shall cause to be affixed on the most conspicuous part of each of the said Booths, the names of the several Parishes, Townships and Places for which such Booth is respectively allotted, and no Person shall be admitted to vote at any such Election except at the Booth allotted for the Parish, Township or Place within which the Property in respect of which he is admitted to vote is situated, or at the Booth allotted for the Parish, Township or Place within which his place of abode, as described in the Register of Voters, is situated; and if no Booth shall be so allotted for the same at some one of the Booths for the same District, and in case any Parish, Township or Place shall happen not to be included in any District, the Votes in respect of any property situate in any Parish, Township or Place so omitted shall be taken at the principal place of Election for the County, Riding, Parts or Division of a County, as the case may be: Provided always, That the number of Booths so to be erected as aforesaid

shall be in the proportion of at least one Booth to every *Three hundred* Persons entitled to poll thereat, according to the directions and provisions aforesaid.

12. Provision as to Sheriffs' Deputies, the custody of Poll Books, and declaration of the Poll for Counties.

And be it Enacted, That the Sheriff shall have power to appoint Deputies to preside, and Clerks to take the Poll at the principal place of Election, and also at the several places which shall have been appointed in manner hereinbefore directed, for taking the Poll for any County, or any Riding, Parts or Division of a County; and the Poll Clerks employed at those several places shall at the final close of the Poll publicly and openly enclose and seal their several Books, and forthwith deliver or transmit them so enclosed and sealed to the Sheriff, Under-Sheriff or Sheriff's Deputy presiding at such Poll, who shall give a Receipt for the same, and every such Deputy who shall have received any such Poll-books, shall forthwith deliver or transmit the same so inclosed and sealed to the Sheriff or his Under-Sheriff, and such Sheriff or Under-Sheriff shall keep such Poll-books unopened until the re-assembling of the Court on the next day after the close of the Poll, unless such next day shall be Sunday, and then on the Monday following, when he shall openly break the seals thereon, and cast up the number of Votes as they appear on the said several Books, and shall openly declare the state of the Poll, and shall make proclamation of the Member or Members chosen not later than *Two* of the clock on the afternoon of the said day: Provided always, That it shall be lawful for any Sheriff or Under Sheriff at any such Election (if he be able and willing so to do) with the consent of all the Candidates or Electors who shall have proposed such Candidates, or their agents, thereunto fully authorized by them in writing in that behalf, to break open the seals of such Poll-books, to cast up the number of Votes, to declare the state of the Poll, and to make proclamation of the Member or Members chosen on the same day on which the said Poll shall have closed: Provided also, That such Sheriff or Under Sheriff, may in the presence of all the Candidates, or Electors who shall have proposed such Candidates, or of their agents by them thereunto fully authorized in writing, break open the seals of the said Poll-books, and cast up and ascertain the number of Votes as they shall appear on such several Books upon the Hustings, or in any other convenient place at any time after the final close of the Poll before the time hereinbefore fixed and limited for declaring the state of the Poll, and making proclamation of the Member or Members returned.

13. Commencement and continuance of Polls at Borough Elections in England.

And be it Enacted, That at every contested Election of a Member or Members to serve in Parliament for any City or Borough in England (except the Borough of Monmouth), and for the Universities

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sities of Oxford and Cambridge, the Poll shall commence on the day fixed for the Election, or on the day next following, or at latest on the third day, unless any of the said days shall be on a Sunday, and then on the Monday following, (the particular day for the commencement of the Poll to be fixed by the Returning Officer,) and such polling shall continue for *One* day only, that is to say, from the hour of in the forenoon until the hour of in the afternoon of the same day, and not later; any law or statute to the contrary notwithstanding.

14. How Booths to be provided for Polling in Boroughs in England.

And be it Enacted, That at every contested Election for a Member or Members to serve in Parliament for any City or Borough in England (except the Borough of Monmouth), the Returning Officer shall, if required thereto by or on behalf of any Candidate, or by or on behalf of any Elector who shall have proposed any Candidate, on the day fixed for the Election, or if not so required may, if it shall appear to him expedient, cause to be erected for the taking the Poll at such Election, different Booths for different Parishes, Districts or Parts of such City or Borough, which Booths may be situated either in one place or in several places, and shall be so divided and allotted into compartments as to such Returning Officer shall seem most convenient, so that no greater number than *Four Hundred* shall be required to poll in any one compartment of a Booth, and the Returning Officer, shall appoint a Clerk to take the Poll at each compartment, and shall cause to be fixed on the most conspicuous part of each of the said Booths, and compartments of Booths, the Names of the several Parishes, Districts and Parts for which such Booth or compartment respectively is allotted; and no Person shall be entitled to vote at any such Election except at the Booth or compartment thereof allotted for the Parish, District or Part wherein the Property may be situated in respect of which he claims to vote, or, in case he does not claim to vote in respect of Property, then wherein his Place of Abode, as described in the Register, may be; but in case no Booth, or compartment of a Booth, shall happen to be provided for any particular Parish, District or Part as aforesaid, the Votes of the Persons voting in respect of Property situated in any Parish, District or Part, so omitted, or having their Place of Abode therein, may be taken at any of the said Booths, and the Votes of Freemen residing out of the limits of the City or Borough may be taken at any of the said Booths; and Public Notice of the situation, division and allotment of the different Booths, and compartments of Booths, shall be given *Two* Days before the commencement of the Poll by the Returning Officer; and in case the Booths shall be situate in different places, the Returning Officer may appoint a Deputy to preside at each place; and at every such Election the Poll Clerks at the close of the Poll, shall publicly and openly enclose and

Each Person to vote at the Booth appointed for the Parish or District.

If the Booths are in different Places, a Deputy to preside at each Place.

As to custody of Poll Books' and declaration of Poll for Boroughs in England.

seal their several Poll-books, and shall publicly deliver them, so enclosed and sealed, to the Returning Officer, or his Deputy, who shall give a receipt for the same; and every Deputy so receiving any such Poll-book, shall forthwith deliver or transmit the same so enclosed and sealed, to the Returning Officer, who shall receive and keep all the Poll-books unopened until the following day, unless such day be Sunday, and then till the Monday following, when he shall openly break the Seals thereon, and cast up the number of Votes as they appear on the said several Books, and shall openly declare the state of the Poll, and make proclamation of the Member or Members chosen not later than *Two* of the clock in the afternoon of the said day: Provided always, That the Returning Officer, or his lawful Deputy, for any such City or Borough, or for either of the Universities of Oxford or Cambridge, may, if he think proper, declare the final state of the Poll, and proceed to make the Return immediately after the Poll shall have been lawfully closed, or as soon after as he hall think fit: Provided also, that no nomination shall be made, or Election holden, for any Member for any City or Borough in any Church, Chapel or other place of Public Worship.

15. Houses may be used for Polling instead of Booths.

Provided always, and be it Enacted, That every Sheriff or other Returning Officer, may, if he shall so think fit, instead of erecting such Booth or Booths as aforesaid, procure or hire and use any houses or other buildings for the purpose of taking the Poll therein; subject always to the same regulations, provisions, liabilities and limitations of expense as Booths to be erected for taking the Poll.

16. Returning Officer may fix Booths in Streets, &c.

And be it Enacted, That no Sheriff or other Returning Officer, nor any person employed by or acting under the authority of such Sheriff or other Returning Officer, shall be prevented from erecting any Booth or Booths for taking the Poll in any public Street, Highway, Square or other open place, nor from breaking the soil or pavement of any such public Street, Square, Highway, or other open place for that purpose, nor be liable to any action at law, or to be indicted for any nuisance in respect of any such act, nor for any damage done in consequence of erecting any such Booth or Booths: Provided always, That such Sheriff or other Returning Officer shall, within a reasonable time after the Election, repair and make good the damage so done to such soil, pavement or otherwise.

Proviso.

17. Adjournment of Poll in case of Riot.

And be it Enacted, That where the proceedings at any Election shall be interrupted or obstructed by any riot or open violence, the Sheriff, or other Returning Officer, or the lawful Deputy of any Returning Officer, shall not for such cause finally close the Poll, but in case the proceedings shall be so interrupted or obstructed at any particular polling place or places, shall adjourn the Poll at such place

or

or places only until the following day, and if necessary shall further adjourn the same until such interruption or obstruction shall have ceased, when the Returning Officer or his Deputy shall again proceed to take the Poll at such Place or Places; and any day whereon the Poll shall have been so adjourned, shall not as to such place or places be reckoned the day of polling at such Election within the meaning of this Act; and whenever the Poll shall have been so adjourned by any Deputy of any Sheriff or other Returning Officer, such Deputy shall forthwith give notice of such adjournment to the Sheriff or Returning Officer, who shall not finally declare the state of the Poll, or make proclamation of the Member or Members chosen, until the Poll so adjourned at such place or places as aforesaid, shall have been finally closed and the Poll-books delivered, or transmitted to such Sheriff or other Returning Officer; any thing hereinbefore or in any other statute to the contrary notwithstanding.

18. Regulations respecting Polling, &c. for the Borough of Monmouth, and for the contributory Boroughs in Wales.

And be it Enacted, That at every contested Election for the Borough of Monmouth, or for any Shire, Town or Borough named in the second column of the Schedule marked (E.) to the said first-recited Act annexed, or for the Borough composed of the Towns of Swansea, Loughor, Neath, Aberavon and Ken-fig, or for the Borough of Brecon, the polling shall commence on the day next after the day fixed for the respective Election, unless such next day be Sunday, and then on the Monday following, as well at Monmouth as at Newport and Usk respectively, and as well at the Shire Town or Borough as at each of the Places sharing in the Election therewith respectively, and as well at Swansea as at each of the other said four Towns respectively; and such polling shall continue for *One* Day only, that is to say, from the hour of in the forenoon until the hour of in the afternoon of the same day, and not later; and the Returning Officer of the Borough of Monmouth shall give to the Deputies for Newport and Usk respectively, and the Returning Officer of every Shire Town or Borough named in the second column of the said Schedule (E.) to the said Act annexed shall give to the Deputy for each of the Places sharing in the Election of such Shire Town or Borough, notice of the day fixed for such respective Election, and shall, before the day fixed for such respective Election, cause to be made and to be delivered to every such Deputy a true Copy of the Register of Voters for the Borough of Monmouth or for such Shire Town or Borough, as the case may be, and shall under his hand, certify every such Copy to be true, and the Portreeve of the Town of Swansea shall give notice of the day of Election to the Deputy for each of the Towns of Loughor, Neath, Aberavon and Ken-fig, and shall in the like manner cause to be made and to be delivered to every such Deputy a true and certified Copy of the Register of Voters for the Borough composed of the said five Towns; and the respective Deputies for Newport and Usk, and for

the respective Places named in the first column of the said Schedule (E.), as well as for the Towns of Loughor, Neath, Aberavon, and Ken-fig shall respectively take and conduct the Poll, and deliver or transmit the Poll-books in the same manner as the Deputies of the Returning Officers of the Cities and Boroughs in England and Wales are by this Act, or by any law or statute not altered or repealed by this Act directed to do, and shall have the same Powers and perform the same duties in every respect as belong to or are vested in such Deputies of Returning Officers: Provided always, That where there shall be a Mayor, Portreeve or other chief Municipal Officer in any Town or Place for which the Returning Officer or the Portreeve of Swansea is required to appoint a Deputy as aforesaid, such Returning Officer or the Portreeve of Swansea, as the case may be, is hereby required to appoint such chief Municipal Officer for the time being to be such Deputy for such Town or Place.

19. Persons voting twice at the same Election guilty of a misdemeanor.

And be it Enacted, That if any Person shall vote twice at the same Election, or having already voted, shall tender or offer his Vote again at the same Election, such Person shall be guilty of a *Misdemeanor*, and shall, upon being convicted thereof, in addition to the pains and penalties hereinbefore imposed on Persons wilfully making false answer to either of the questions hereinbefore authorized to be put at the time of Polling, be punishable with imprisonment with hard labour for the period of *Six* calendar Months.

20. The Statute of 7 & 8 Geo. 4 still in force.

AND whereas doubts have arisen whether an Act passed in the seventh and eighth years of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to make further regulations for preventing corrupt Practices at Elections of Members to serve in Parliament, and for diminishing the Expense of such Elections," is still in force; FOR the removing of such doubts, BE it Enacted and Declared, That the same is still in full force and effect, and not in any way repealed.

21. Penalty for Counsel, Agent or Attorney voting at Elections.

And be it Enacted, That if any Person who shall have been employed at any Election of a Member or Members of Parliament, either during such Election or within *Six* calendar Months previous to such Election, or within *Fourteen* Days after it shall have been completed, as Counsel, Agent, Attorney, Poll Clerk, Flagman or in any other capacity, and who shall at any time either before, during or after such Election accept or take from any Candidate or Candidates, or from any Person whatsoever, for or in consideration of or with reference to such employment any sum or sums of money, retaining fee, office, place or employment shall vote at such Election, every such Person so employed as Counsel, Agent, or Attorney as aforesaid and voting contrary to this enactment or

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to any enactment of the last-recited Act shall forfeit and pay the sum of *Fifty* Pounds to any Person who shall sue for the same in any of His Majesty's Courts of Record at Westminster; and every such Person so employed as Poll Clerk, Flagman or in any other capacity as aforesaid, and voting contrary to this enactment, or to any enactment of the last-recited Act, shall forfeit and pay the sum of *Twenty* Pounds to any Person who shall sue for the same in any of His Majesty's Courts of Record at Westminster: Provided always, That no such Action shall be brought later than *Twelve* calendar Months after the time of committing any such Offence.

Penalty for Poll Clerk, Flagman or bther Person voting.

22.

Expenses of Booths, &c. how to be defrayed.

And be it Enacted, That every Sheriff who shall have caused to be erected any such Booth or Booths as hereinbefore provided, for taking the Poll at any contested Election for any County, Riding, Parts or Division, or who shall have hired any house or other building for that purpose, shall be reimbursed to the full amount of the expense incurred in erecting such Booth or Booths, or hiring such house or other building: Provided always, That the same do not exceed in any case the sum of *Forty* Pounds in the whole in respect of the principal place of Election for such County, Riding, Parts or Division; and the sum of *Twenty-five* Pounds in the whole in respect of any other polling place for such County, Riding, Parts or Division; and every Returning Officer for any City or Borough in England, except the Boroughs of New Shoreham, Cricklade, Aylesbury and East Retford, and the Borough of Monmouth, who shall have caused to be erected any such Booth or Booths as hereinbefore provided, for taking the Poll at any contested Election for any such City or Borough, or hired any house or other building for that purpose, shall be reimbursed to the full amount of the expense incurred in erecting such Booth or Booths, or in hiring such house or other building: Provided always, That the same shall not exceed the sum of *Twenty-five* Pounds in the whole for any one Booth, house or other building; and every Returning Officer for the several Boroughs of New Shoreham, Cricklade, Aylesbury and East Retford respectively, who shall have caused to be erected any such Booth or Booths as hereinbefore provided for taking the Poll at such last-mentioned Boroughs respectively, or hired any house or other building for that purpose, shall be reimbursed to the full amount of the expense incurred in erecting such Booth or Booths, or in hiring such house or other building: Provided always, That the same shall not exceed in any case the sum of *Tweuty-five* Pounds in the whole in respect of any one of the polling places for any of such last-mentioned Boroughs; and all Sheriffs and all Returning Officers for all the Cities and Boroughs in England (except the Borough of Monmouth), shall be reimbursed to the full amount of the

expense incurred in the employment of Deputies and Clerks to take the Poll at any contested Election as hereinbefore directed: Provided always, That the expense of each Deputy shall not exceed *Two* Guineas, and that the expense of each Clerk employed in taking the Poll shall not exceed *One* Guinea; and every Sheriff and other Returning Officer shall, in case of a contested Election, over and above the expenses hereinbefore specified, be reimbursed to the full amount of the sum which shall have been incurred in respect of Poll-books, Stationery, Advertisements, Proclamations, and other contingent expenses of such Election: Provided always, That the same shall not exceed the sum of *Five* Pounds in the whole for any principal place of Election or other polling place for any County, Riding, Parts or Division, or for any one polling place in any one of the Boroughs of New Shoreham, Cricklade, Aylesbury or East Retford, or for any Booth, house or other building erected or hired at any Election for any other City or Borough in England, (except the Borough of Monmouth); and at every Election for a Knight or Knights to serve in Parliament, for any County, Riding, Parts or Division of a County, when there shall not have been any contest for such County, Riding, Parts or Division, nor any Booth or Booths erected, or Poll taken, the Sheriff shall be re-imbursed the full amount of the expenses incurred by him for Stationery, Advertisements, Proclamations, and other contingent expenses of such Election: Provided the same do not in any case exceed in the whole the sum of *Ten* Pounds; and the amount of the several sums so to be repaid to any Sheriff as hereinbefore directed, shall be paid by the Treasurer of the particular County, Riding or Parts out of any public money in his hands, and he shall be allowed all such payments in his accounts; and the amount of the several sums so to be repaid to any Returning Officer for any City and Borough in England (except the Borough of Monmouth) shall be paid to him by the Overseers of the Poor of the several Parishes and Townships within such City or Borough, out of the money collected, or to be collected, for the relief of the Poor in such Parishes or Townships in proportion to the number of persons placed on the Register of Voters for each Parish or Township, provided that no such sums as hereinbefore mentioned shall be repaid to any Sheriff or other Returning Officer, unless the accounts thereof shall have been laid before the Justices of the Peace for the particular County, Riding or Parts at the next Quarter Sessions after the expenses shall have been incurred, and shall have been allowed by the Court.

23. Expenses of Booths, &c. at Monmouth and at Boroughs in Wales how to be defrayed.

And be it Enacted, That the Returning Officer for the Borough of Monmouth, and for each of the several Boroughs in Wales mentioned in the second column of the Schedule (E.) to the said first-recited Act annexed, and for the Borough composed of the five Towns

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Towns of Swansea, Loughor, Neath, Aberavon and Ken-fig, and for the Borough of Brecon, shall discharge the expenses attendant upon all contested Elections for such Boroughs respectively, and shall be repaid the amount of the same several sums as are hereinbefore fixed and allowed with respect to expenses incurred by Returning Officers for Cities and Boroughs in England, which said several sums shall be repaid to them by the Overseers of the Poor of the several Parishes and Townships within each such Borough or Place sharing in the Election therewith respectively, in proportion to the number of persons placed on the Register of Voters for each Parish or Township: Provided always, That the same shall have been duly allowed by the Justices of the Peace for the particular County, in the same manner as hereinbefore provided with respect to Cities and Boroughs in England.

24. Expense of conveying Electors to Poll, or of entertaining them unlawful.

AND whereas Candidates at Elections have been put to great costs and charges in and about the conveyance of Voters to and from the Poll, and for their refreshment at or during such Election: AND whereas doubts have arisen as to the legality of payments in respect of such Costs and Charges, and it is expedient that such doubts should be removed; BE it therefore Enacted, That all payments for or in respect of the carriage or conveyance of any Voter or Voters to or from the Poll, or to or from any place or places for the purpose of polling or returning from polling at any Election, or for any refreshment or entertainment of any Voter or Voters during such Election, or going to or returning from the Poll, which shall hereafter be made by or on behalf of any Candidate at such Election, shall be and the same are hereby declared to be illegal; and any person who shall for himself or on behalf of any other person demand or receive from any Candidate or from any agent of any Candidate in that behalf, any sum of money, security or other valuable thing, for or in respect of any cost, charge or expense incurred, or to be incurred, in being conveyed or in conveying any Voter, or person claiming to be a Voter, to or from the Poll at any Election, or to or from any Place for the purpose of polling or returning from polling at any Election, or for any refreshment or entertainment of any Voter or Voters, during such Election, or going to returning from the Poll, or any Candidate or person acting for or as the agent of any Candidate in that behalf who shall voluntarily, or at the demand or request of any other person, pay or deliver any such sum of money, security, or other valuable thing for or in respect of any such cost, charge or expense, shall forfeit and pay the *Treble* value of every such sum of money, security or other valuable thing so demanded, received, paid or delivered to any person who shall sue for the same in any of His Majesty's Courts of Record at Westminster; Provided that no such action shall be commenced after the period

Penalty.

How to be recovered.

of *Two* Years shall have elapsed from the time of such demand, receipt, payment or delivery.

25. What other Expenses are illegal.

AND whereas divers demands have been made upon Candidates at Elections, by Sheriffs, Under Sheriffs, Returning Officers, Clerks of the Peace, Town Clerks, and other Persons, for money claimed to be due in respect of the employment of Assessors, and other Legal Advisers, Sheriffs, Under Sheriffs, Returning Officers, Clerks of the Peace, Town Clerks, Sheriffs' Messengers, Special Constables, and other Peace Officers for keeping the peace at Elections, Stewards' Bailiffs, Serjeants-at-Mace, Magistrates' Clerks, Beadles, Criers, and other officers and persons employed at Elections; for receiving the Writ of Election and making the Return thereto; and in respect of charges for the attendance of Solicitors at such Elections; and in respect of expenses incurred in Coach-hire, Tavern and other personal expenses for Stationery and Printing, and in other various matters incidental to and connected with the proceedings at Elections: AND whereas no Candidate ought to be subjected to any such demands; BE it Enacted and Declared, That no Sheriff, Under Sheriff, Sheriff's Deputy, Returning Officer, Clerk of the Peace, Town Clerk, Assessor or other Legal Adviser of a Returning Officer, Steward, Bailiff, Serjeant-at-Mace, Sheriff's Messenger, Magistrate's Clerk, Beadle, Crier, Constable, or other officer or person officially employed at any future Election, shall demand or receive from any Candidate any gratuity, fee or reward, or any money, security or valuable thing whatsoever, for or in respect of any service or work performed, or to be performed, or pretended to have been performed, at any such Election, either by himself or by any other person employed by or under his direction; nor shall any other Person so employed by or under such direction demand, or receive from any such Candidate any gratuity, fee or reward, or any money, security or valuable thing whatsoever, in respect of any service or work performed, or to be performed, or pretended to have been performed, at any such Election; nor shall any of the officers or persons aforesaid, or persons employed by or under the direction of any such officer or other person aforesaid, demand or receive from any Candidate any money, security or valuable thing whatsoever, for goods supplied, or to be supplied, or pretended to have been supplied, or for or in respect of any money advanced or paid, or to be advanced or paid, or pretended to have been advanced or paid, or for or in respect of any expenses or liabilities incurred, or to be incurred, or pretended to have been incurred, in, about or relating to any such Election, or any proceeding thereat; nor shall any Candidate, or person acting as the Agent of any Candidate in that behalf, either voluntarily or at the demand or request of any other person, give, pay, or deliver any such gratuity, fee, reward, money,

money, security or other valuable thing for or in respect of any such service or work performed, or to be performed, or pretended to have been performed, goods supplied or to be supplied, or pretended to have been supplied, money advanced or paid, or to be advanced or paid, or pretended to have been advanced or paid, expense or liability incurred, or to be incurred, or pretended to have been incurred respectively, in, about or relating to any such Election or any proceeding thereat; and any such officer or other person as aforesaid, or person employed by or under the direction of any such officer or other person aforesaid, who shall demand or receive from any Candidate any such gratuity, fee, reward, money, security, or other valuable thing, for or in respect of any such service or work performed, or to be performed, or pretended to have been performed, goods supplied, or to be supplied, or pretended to have been supplied, money advanced or paid, or to be advanced or paid, or pretended to have been advanced or paid, expense or liability incurred, or to be incurred, or pretended to have been incurred respectively, in, about or relating to any such Election, or any proceeding thereat, or any Candidate, or person acting for or as the agent of any Candidate in that behalf, who shall voluntarily, or at the demand or request of any other person, give, pay or deliver any such gratuity, fee, reward, money, security or other valuable thing, for or in respect of any such service or work performed, or to be performed, or pretended to have been performed, goods supplied, or to be supplied, or pretended to have been supplied, money advanced or paid, or to be advanced or paid, or pretended to have been advanced or paid, expense or liability incurred, or to be incurred, or pretended to have been incurred respectively, in, about or relating to any such Election or proceeding thereat, shall forfeit and pay *Treble* the value of every such gratuity, fee, reward, sum of money, security or valuable thing, so demanded, received, paid or delivered to any person who shall sue for the same in any of His Majesty's Courts of Record at Westminster: Provided always, That no such Action shall be commenced after the period of *Two* Years shall have elapsed from the time of such demand, receipt, payment or delivery.

26. Seat voided by Payment of illegal Expenses.

And be it Enacted, That if any Person who shall hereafter be returned to serve in Parliament shall either voluntarily or at the request of any other person, give, pay or deliver, or cause to be given, paid or delivered any Gratuity, Fee, Reward, Money, Security, or valuable thing whatsoever contrary to any of the Enactments in this Act in that behalf contained, the Return of such Person shall be and the same is hereby declared to be void.

27. Returns not liable to Stamp Duty.

And be it Enacted and Declared, That no Indenture, Writing, or other instrument whatever containing the Return of any Member or Members to serve in Parliament shall be liable to any Stamp Duty, or to any other Government Duty whatsoever.

28. Returns, &c. to be sent by Post free of postage.

And be it Enacted, That the Returns of any Writs of Election, Indentures of Return, Precepts for Elections and Returns thereof shall from and after the *passing of this Act* be sent by the General Post to the proper Officer entitled to receive or keep the same, and that no Postage shall be chargeable or paid in respect thereof.

29. New Polling Places to be subject to same provisions as old ones, except where expressly altered.

And be it Enacted, That the Polling Places hereby settled and appointed, and the Districts, Booths, and compartments of Booths, to be erected and provided according to this Act, shall be subject to the same enactments regulations and provisions as Polling Places, Districts, Booths, and compartments of Booths, would be by or according to any law or statute now in force if this Act were not passed, except so far as the same is hereby altered or repealed; and all laws, statutes and usages now in force respecting the Election of Members to serve in any Parliament for that part of the United Kingdom called England and Wales, shall be and remain, and are hereby declared to be and remain, in full force, except so far as any of the said laws, statutes or usages are repealed or altered by this Act, or are inconsistent with the provisions thereof.

30. Elections for Counties how to be conducted until Polling Places and Districts are appointed.

And be it Enacted, That in every case of a contested Election for any County or Riding, Parts or Division of a County, or for any of the Boroughs of New Shoreham, Cricklade, Aylesbury and East Retford, which shall take place before the Justices of the Peace assembled as hereinbefore directed shall have appointed and named Places for taking the Poll and shall have divided such County, Riding, Parts or Division of a County, or any of such Boroughs respectively (as the case may be), into Districts, and assigned one of such Districts to every Polling Place, according to the enactments and provisions hereinbefore in that behalf contained, such Election shall proceed in all respects in the same manner, and according to the same rules, regulations and provisions, as if this Act were not passed: Provided nevertheless, That at any such contested Election for any County or Riding, Parts or Division, or for any of the said four above-mentioned Boroughs, all and every the enactments and declarations in this Act contained with respect to the carriage or conveyance of Voters to or from the Poll, or to or from any Place for the purpose of polling, or with respect to the refreshment or entertainment of Voters, and the penalties hereinbefore in that behalf imposed, shall apply, be in force and attach as fully and in the same manner as at any other contested Election which may take place from and after the *passing of this Act*.

31. No qualification of Estate to be necessary in order to be entitled to serve in Parliament.

And be it Enacted, That from and after the *passing of this Act* no qualification of estate shall be requisite or necessary to enable any Person to sit or vote as a Member of the Commons' House of Parliament for any County, Riding, Parts or Division of a County

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or for any City or Borough in the United Kingdom of Great Britain and Ireland, nor shall any such Person be required to have or be seised of, or entitled to any estate whatsoever, nor shall any Candidate or Person elected be required to take or make any oath or declaration whatsoever with respect to any such qualification or estate, or to deliver any schedule or account of or concerning the same; any Law or Statute to the contrary notwithstanding.

32. Construction of Act.

And be it Enacted, That throughout this Act, wherever the words "City or Borough," "Cities or Boroughs," "Returning Officer," "Parish or Township," "Overseers of the Poor," shall occur in in this Act, such words shall be taken to be used in the same sense, and to have the same force and meaning as such words respectively are by the said first hereinbefore recited Act declared to have, whenever the same occur in that Act; and that all provisions in this Act relative to any matters to be done by or with regard to Justices of the Peace for Counties, or Sessions of the Peace for Counties, or Clerks of the Peace for Counties, or Treasurers of Counties, shall extend to the Justices, Sessions, Clerks of the Peace, and Treasurers of the several Ridings of Yorkshire and Parts of Lincolnshire; and that the Clerk of the Peace for the time being for the Borough of Newport, in the Isle of Wight, shall for the purposes of this Act be deemed and taken to be the Clerk of the Peace for the County of the Isle of Wight; and that all the said respective Justices, Sessions and Clerks of the Peace shall have power to do the several matters required by this Act, as well within Places of exclusive Jurisdiction as without; and that no misnomer or inaccurate description of any Person or Place named or described in this Act or in any Schedule hereto annexed, shall anywise prevent or abridge the operation of this Act with respect to such Person or Place: Provided that such Person or Place shall be so designated as to be commonly understood.

33. This Act not to extend to the Universities, except when named.

And be it Enacted, That nothing in this Act contained shall extend to or anywise affect the election of Members to serve in Parliament for either of the Universities of Oxford or Cambridge, except where the same are expressly mentioned; any thing herein contained to the contrary notwithstanding.

34. Act to apply to England and Wales alone.

And be it Enacted, That this Act shall extend and apply only to England and Wales, except where it is expressly declared to the contrary.

35. Act may be altered this Session.

And be it Enacted, That this Act may be amended and altered by any Act or Acts to be passed during this Session of Parliament.

5 WILL. IV.—Sess. 1835.

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To regulate the Expenses of Elections of Members to serve in Parliament for England and Wales.

(Prepared and brought in by Mr. Hume, Lord John Russell, and Mr. Aglionby.

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6 *July* 1835.

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To define and regulate the Expenses of Elections, to limit the duration of the Poll, and to abolish the Qualification of Members of Parliament for England and Wales.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS by an Act passed in the second year of the reign of His present Majesty, intituled, "An Act to amend the Representation of the People in England and Wales," in the Preamble of which, amongst other things, it is stated, that it is expedient to diminish the Expense of Elections, certain Expenses are made payable by the Candidates: Preamble. 2 W. 4. c. 45.

And whereas it is expedient yet further to diminish the Expense of Elections, to enable Candidates to be returned to Parliament free of Expense, to shorten the duration of Elections, to declare what Expenses are legal, and better to regulate the same:

And whereas it is by the said recited Act enacted, "That in all Elections whatever of Members to serve in any future Parliament, no inquiry shall be permitted at the time of polling as to the right of any person to vote, except only as follows; (that is to say) that the Returning Officer, or his respective Deputy, shall if required on behalf of any Candidate, put to any Voter, at the time of his tendering his Vote, and not afterwards, the following questions, or any of them, and no other: s. 58.

"1. Are you the same Person whose Name appears as A. B. on the Register of Voters now in force for the County of [or, for the Riding, Parts or Division, &c. or for the City, &c. as the case may be]?

" 2. Have you already voted either here or elsewhere at this Election for the County of [or, for the Riding, Parts or Division of the County of , or for the City or Borough of as the case may be]?

" 3. Have you the same Qualification for which your Name was originally inserted in the Register of Voters now in force for the County of, &c. [or, for the Riding, &c. or for the City, &c. as the case may be, specifying in each case the particulars of the Qualification, as described in the Register]?

And if any person shall wilfully make a false Answer to any of the questions aforesaid, he shall be deemed guilty of an indictable Misdemeanor, and shall be punished accordingly; and the Returning Officer, or his Deputy, or a Commissioner or Commissioners, to be for that purpose by him or them appointed, shall (if required on behalf of any Candidate at the time aforesaid) administer an Oath, (or in case of a Quaker or Moravian, an Affirmation), to any Voter, in the following form; (that is to say)

" You do swear, [or, being a Quaker or Moravian, do affirm,] That you are the same person whose name appears as A. B. on the Register of Voters now in force for the County of [or, for the Riding, Parts or Division of the County of or, for the City or Borough of as the case may be], and that you have not before voted either here or elsewhere at the present Election for the said County, [or, for the said Riding, Parts or Division of the said County, or for the said City or Borough, as the case may be.]

So help you GOD."

And no Elector shall hereafter, at any such Election, be required to take any oath or affirmation, except as aforesaid, either in proof of his Freehold or of his Residence, Age or other qualification or right to vote, any law or statute, local or general, to the contrary notwithstanding; and no person claiming to vote atany such Election shall be excluded from voting thereat, except by reason of its appearing to the Returning Officer, or his respective Deputy, upon putting such questions as aforesaid, or any of them, that the person so claiming to vote is not the same person whose name appears on such Register as aforesaid, or that he has previously voted at the same Election, or that he has not the same Qualification for which his Name was originally inserted in such Register, or except by reason of such person refusing to take the said oath or make the said affirmation, or to take or make the oath or affirmation against Bribery, or any other oath or affirmation now required by law, and

not

not hereby dispensed with; and no scrutiny shall hereafter be allowed by or before any Returning Officer with regard to any Votes given or tendered at any Election of a Member or Members to serve in any future Parliament; any law, statute or usage to the contrary notwithstanding:"

And whereas it is by the said recited Act further Enacted, "That at every contested Election of a Knight or Knights to serve in any future Parliament for any County, or for any Riding, Parts or Division of a County, the polling shall commence at Nine o'clock in the forenoon of the next day but two after the day fixed for the Election, unless such next day but two shall be Saturday or Sunday, and then on the Monday following, at the principal place of Election, and also at the several places to be appointed as hereinafter directed for taking polls; and such polling shall continue for Two Days only, such two days being successive days; that is to say, for Seven Hours on the first day of polling and for Eight Hours on the second day of polling; and no poll shall be kept open later than Four o'clock in the afternoon of the second day; any statute to the contrary notwithstanding:" s. 62.

And whereas it is by the said recited Act further Enacted, "That the respective Counties in England and Wales, and the respective Ridings, Parts and Divisions of Counties, shall be divided into convenient districts for polling, and in each district shall be appointed a convenient place for taking the poll at all Elections of a Knight or Knights of the Shire, to serve in any future Parliament, and such Districts and Places for taking the Poll shall be settled and appointed by the Act to be passed in this present Parliament for the purpose of settling and describing the Divisions of the Counties enumerated in the Schedule marked (F.) to this Act annexed; provided that no County, nor any Riding, Parts or Division of a County, shall have more than Fifteen Districts and respective Places appointed for taking the Poll for such County, Riding, Parts or Division:" 63.

And whereas it is by the said recited Act further Enacted, "That at every contested Election for any County, or Riding, Parts, or Division of a County, the Sheriff, Under Sheriff, or Sheriff's Deputy shall, if required thereto by or on behalf of any Candidate, on the day fixed for the Election, and if not so required may, if it shall appear to him expedient, cause to be erected a reasonable number of Booths for taking the Poll at the principal place of Election, and also at each of the polling places so to be appointed as aforesaid, and shall cause to be affixed on the most conspicuous part of each of the said Booths the names of the several Parishes, Townships and Places for which such Booth is respectively allotted; and no s. 64.

Person shall be admitted to vote at any such Election in respect of any property situate in any Parish, Township or Place, except at the Booth so allotted for such Parish, Township or Place; and if no Booth shall be so allotted for the same, then at any of the Booths for the same District; and in case any Parish, Township, or Place shall happen not to be included in any of the Districts to be appointed, the Votes in respect of property situate in any Parish, Township or Place so omitted shall be taken at the principal place of Election for the County, or Riding, Parts or Division of the County, as the case may be:"

s. 65. And whereas it is by the said recited Act further Enacted, "That the Sheriff shall have power to appoint Deputies to preside and Clerks to take the Poll at the principal place of Election, and also at the several places appointed for taking the Poll for any County, or any Riding, Parts, or Division of a County; and that the Poll Clerks employed at those several places shall, at the close of each day's Poll, inclose and seal their several books, and shall publicly deliver them, so inclosed and sealed, to the Sheriff, Under Sheriff, or Sheriff's Deputy presiding at such Poll, who shall give a receipt for the same, and shall, on the commencement of the Poll on the second day, deliver them back, so inclosed and sealed, to the persons from whom he shall have received them; and on the final close of the Poll every such Deputy who shall have received any such Poll-books shall forthwith deliver or transmit the same, so inclosed and sealed, to the Sheriff or his Under Sheriff, who shall receive and keep all the Poll-books unopened until the re-assembling of the Court on the day next but one after the close of the Poll, unless such next day but one shall be Sunday, and then on the Monday following, when he shall openly break the seals therein, and cast up the number of Votes as they appear on the said several Books, and shall openly declare the state of the Poll, and shall make proclamation of the Member or Members chosen, not later than Two of the clock in the afternoon of the said day:"

s. 67. And whereas it is by the said recited Act further Enacted, "That at every contested Election of a Member or Members to serve in any future Parliament for any City or Borough in England, except the Borough of Monmouth, the Poll shall commence on the day fixed for the Election, or on the day next following, or at the latest on the third day, unless any of the said days shall be Saturday or Sunday, and then on the Monday following, the particular day for the commencement of the Poll to be fixed by the Returning Officer; and such polling shall continue for Two Days only, such two days being successive days (that is to say), for Seven Hours on the first day

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day of polling, and for Eight Hours on the second day of polling; and that the Poll shall on no account be kept open later than Four of the clock in the afternoon of such second day; any Statute to the contrary notwithstanding:"

And whereas it is by the said recited Act further enacted, "That at every contested Election of a Member or Members to serve in any future Parliament for any City or Borough in England, except the Borough of Monmouth, the Returning Officer shall, if required thereto by or on the behalf of any Candidate on the day fixed for the Election, and if not so required may, if it shall appear to him expedient, cause to be erected for taking the Poll at such Election different Booths for different Parishes, Districts or Parts of such City or Borough, which Booths may be situated either in one place or in several places, and shall be so divided and allotted into Compartments as to the Returning Officer shall seem most convenient, so that no greater number than Six Hundred shall be required to poll at any one Compartment; and the Returning Officer shall appoint a Clerk to take the Poll at each Compartment, and shall cause to be affixed on the most conspicuous part of each of the said Booths the names of the several Parishes, Districts and Parts for which such Booth is respectively allotted; and no Person shall be permitted to vote at any such Election, except at the Booth allotted for the Parish, District or part wherein the property may be situate in respect of which he claims to vote, or in case he does not claim to vote in respect of property, then wherein his place of abode is described in the Register may be; but is case no Booth shall happen to be provided for any particular Parish, District or part as aforesaid, the Votes of the Persons voting in respect of Property situate in any Parish, District or Part so omitted, or having their Places of Abode therein, may be taken at any of the said Booths, and the Votes of Freemen residing out of the limits of said City or Borough may be taken at any of the said Booths; and public notice of the situation, division and allotment of the different Booths shall be given Two Days before the commencement of the Poll by the Returning Officer; and in case the Booths shall be situated in different places, the Returning Officer may appoint a Deputy to preside at each place; and at every such Election the Poll Clerks, at the close of each day's Poll, shall enclose and seal their several Poll-books, and shall publicly deliver them, so enclosed and sealed, to the Returning Officer or his Deputy, who shall give a receipt for the same, and shall on the commencement of the Poll on the second day deliver them back, so enclosed and sealed, to the persons from whom he shall have received the same; and every Deputy so receiving any such Poll-books on the fiual close s. 68.

of the Poll, shall forthwith deliver or transmit the same, so enclosed and sealed, to the Returning Officer, who shall receive and keep all the Poll-books unopened until the following day, unless such day be Sunday, and then till the Monday following, when he shall openly break the seals thereon, and cast up the number of Votes as they appear on the said several Books, and shall openly declare the state of the Poll, and make proclamation of the Member or Members chosen, not later than Two of the clock in the afternoon of the said day: Provided always, That the Returning Officer, or his lawful Deputy, may, if he think fit, declare the final state of the Poll, and proceed to make the Return immediately after the Poll shall have been lawfully closed: Provided also, That no Nomination shall be made or Election holden of any Member for any City or Borough in any Church, Chapel or other place of Public Worship:"

s. 69. And whereas it is by the said recited Act provided and enacted, "That so far as relates to the several Boroughs of New Shoreham, Cricklade, Aylesbury and East Retford, as defined by this Act, the said several Boroughs shall be divided into convenient Districts for polling, and there shall be appointed in each District a convenient Place for taking the Poll at all Elections of Members to serve in any future Parliament for each of the said Boroughs, which Districts and Places for taking the Poll shall be settled and appointed by an Act to be passed in this present Parliament:"

s. 70. And whereas it is by the said recited Act further enacted, "That nothing in this Act contained shall prevent any Sheriff or other Returning Officer, or the lawful Deputy of any Returning Officer, from closing the Poll previous to the expiration of the time fixed by this Act in any case where the same might have been lawfully closed before the passing of this Act, and that where the proceedings of any Election shall be interrupted or obstructed by any riot or open violence, the Sheriff or other Returning Officer, or the lawful Deputy of any Returning Officer, shall not for such cause finally close the Poll; but in case the proceedings shall be so interrupted or obstructed at any particular Polling Place or Places, shall adjourn the Poll at such Place or Places until the following day, and, if necessary, shall further adjourn the same until such interruption or obstruction shall have ceased, when the Returning Officer or his Deputy shall again proceed to take the Poll at such Place or Places; and any day whereon the Poll shall have been so adjourned shall not, as to such Place or Places, be reckoned one of the two days of polling at such Election within the meaning of this Act; and wherever the Poll shall have been so adjourned by any Deputy of any Sheriff or other Returning Officer, such

such Deputy shall forthwith give notice of such Adjournment to the Sheriff or Returning Officer who shall not finally declare the state of the Poll, or make proclamation of the Member or Members chosen, until the Poll so adjourned at such Place or Places as aforesaid shall have been finally closed and delivered or transmitted to such Sheriff or other Returning Officer; any thing hereinbefore contained to the contrary notwithstanding:

And whereas it is by the said recited Act further enacted, "That from and after the end of this present Parliament all Booths erected for the convenience of taking Polls shall be erected at the joint and equal expense of the several Candidates, and the same shall be erected by contract with the Candidates, if they shall think fit to make such contract, or if they shall not make such contract then the same shall be erected by the Sheriff or other Returning Officer, at the expense of the several Candidates as aforesaid, subject to such limitation as hereinafter next mentioned; (that is to say) that the expense to be incurred for the Booth or Booths to be erected at the principal places of Election for any County, Riding, Part or Division of a County, or at any of the Polling Places so to be appointed as aforesaid, shall not exceed the sum of Forty Pounds in respect of any one such Polling Places; and that the expense to be incurred for any Booth or Booths to be erected for any Parish, District, or Part of any City or Borough, shall not exceed the sum of Twenty-five Pounds in respect of any one such Parish, District or Part; and that all Deputies appointed by the Sheriff or other Returning Officer shall be paid each Two Guineas by the day, and all Clerks employed in taking the Poll shall be paid each One Guinea by the day, at the expense of the Candidates at such Election: Provided always, That if any Person shall be proposed without his consent, then the Person so proposing him shall be liable to defray his share of the said expenses, in like manner as if he had been a Candidate; Provided also, That the Sheriff or Returning Officer may, if he shall think fit, instead of erecting such Booth or Booths as aforesaid, procure or hire and use any Houses or other Buildings for the purpose of taking the Poll therein, subject always to the same regulations, provisions, liabilities and limitations of expense as are hereinbefore mentioned with regard to Booths for taking the Poll:" s. 71.

And whereas it is by the said recited Act further enacted, "That at every contested Election for the Borough of Monmouth, or for any Shire, Town or Borough named in the Second Column of the said Schedule (E.), or for the Borough composed of the said five Towns, or for the Borough of Brecon, the polling shall commence on the day next after the day fixed for the respective Election, unless such next day be Saturday or Sunday, and then on the Monday s. 74

Monday following, as well at Monmouth as at Newport and Usk respectively, and as well at the Shire Town or Borough as at each of the Places sharing in the Election therewith respectively, and as well at Swansea as at each of the four other Towns respectively, and such Polling shall continue for Two Days only, such two days being succeesive days, (that is to say) for Seven Hours on the first day of polling, and for Eight Hours on the second day of polling, and that the Poll shall on no account be kept open later than Four of the clock in the afternoon of such second day; and the Returning Officer of the Borough of Monmouth shall give to the Deputies for Newport and Usk respectively, and the Returning Officer of every Shire Town or Borough named in the second column of the said Schedule (E.) shall give to the Deputy for each of the places sharing in the Election for such Shire Town or Borough, notice of the day fixed for such respective Election, and shall, before the day fixed for such respective Election, cause to be made and to be delivered to every such Deputy a true Copy of the Register of Voters for the Borough of Monmouth, or for such Shire Town or Borough, as the case may be, and shall under his hand certify every such Copy to be true; and the Portreeve of the Town of Swansea shall give notice of the day of Election to the Deputy for each of the Towns of Loughor, Neath, Aberavon and Ken-fig, and shall in like manner cause to be made and to be delivered to every such Deputy a true and certified Copy of the Register of Voters for the Borough composed of the said five Towns; and the respective Deputies for Newport and Usk, and for the respective places named in the first column of the said Schedule (E.), as well as for the Towns of Loughor, Neath, Aberavon and Ken-fig, shall respectively take and conduct the Poll, and deliver or transmit the Poll-books in the same manner as the Deputies of the Returning Officers of the Cities and Boroughs in England are hereinbefore directed to do, and shall have the same powers and perform the same duties in every respect as are respectively conferred and imposed on the said Deputies by this Act: Provided always, That where there shall be a Mayor, Portreeve or other chief Municipal Officer in any Town or Place for which the Returning Officer or the Portreeve of Swansea is required to appoint a Deputy as aforesaid, such Returning Officer or the Portreeve of Swansea, as the case may be, is hereby required to appoint such chief Municipal Officer for the time being to be such Deputy for such Town or Place:"

2 & 3 W. 4. c. 64. s. 29.

And whereas by an Act passed in the second and third year of the reign of His present Majesty, intituled, "An Act to settle and describe the Divisions of Counties and the Limits of Cities and Boroughs in England and Wales, in so far as respects the Election of Members to serve in Parliament," and commonly called "The Boundary

Boundary Act," it is enacted, " That the Poll for the Election of Knights of the Shire shall be taken at such Places as in the Schedule to this Act annexed, marked (N.), are mentioned in conjunction with the names of the Counties, and of the Ridings, Parts and Divisions of Counties, in which such Places are respectively situated.

And whereas it is by the said Boundary Act further enacted, " That the Poll for the Election of Members to serve in Parliament for the said several Boroughs of New Shoreham, Cricklade, Aylesbury and East Retford shall be taken at the place or places which in the Schedule to this Act annexed, marked (N. 2), is or are mentioned in conjunction with the names of such several Boroughs respectively :" s. 32.

And whereas it is expedient, in order to the better carrying into effect the purposes aforesaid, that so much of the said Enactments, Declarations and Provisions of the said recited Acts as is hereinbefore recited and set forth, should be repealed, and other Enactments, Declarations and Provisions made in lieu thereof; **Be it Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT so much of the said Acts as is hereinbefore recited shall be and the same is hereby Repealed.

1. Recited Enactments of Reform and Boundary Acts Repealed.

And be it Enacted, That in all Elections whatever of Members to serve in Parliament no inquiry shall be permitted at the time of polling as to the right of any Person to vote except only as follows; (that is to say) that the Returning Officer, or his respective Deputy, or Poll Clerk shall, if required by or on behalf of any Candidate, or by or on behalf of any Elector who shall have proposed such Candidate, put to any Voter at the time of his tendering his Vote, and not afterwards, the following questions, or either of them, and no other:

2. No inquiry at the time of Election, except as to identity of Voter, whether he has voted before at the same Election,

1. Are you the same Person whose name appears as A. B. on the Register of Votes now in force for the County of [or, for the Riding, Parts or Division, &c. or, for the City, &c. as the case may be]?

2. Have you already voted either here or elsewhere at this Election for the County of [or, for the Riding, Parts or Division of the County of , or for the City or Borough of as the case may be]?

Form of Question as to these points.

And if any Person shall wilfully make a false answer to either of the questions aforesaid, he shall be liable to the pains and penalties of *Perjury*, and on being duly convicted thereof, shall be punished accordingly; and no Person voting or claiming to vote, at any such Election, shall be required to take the Oaths of allegiance, supremacy or abjuration, or to take or make any Oath or Declaration in lieu thereof,

False Answers punishable as Perjury.

All Oaths abolished, except the Bribery Oath.

thereof, or any other Oath, solemn Affirmation or Declaration whatever, except the Oath or Affirmation against Bribery, where the same shall be duly required to be taken; and no Person claiming to vote at any such Election shall be excluded from voting thereat, except by reason of its appearing to the Returning Officer, or his respective Deputy, upon such questions as aforesaid, or either of them, being put, that the person so claiming to vote is not the same person whose name appears on such Register as aforesaid, or that he has previously voted at the same Election, or except by reason of such Person refusing to make answer to either of the said questions, or to take or make the Oath or Affirmation against Bribery; and no scrutiny shall hereafter be allowed by or before any Returning Officer with regard to any Votes given or tendered at any Election of a Member or Members to serve in Parliament; any law, statute or usage to the contrary notwithstanding.

3. Commencement and continuance of Polls at County Elections.

And be it Enacted, That at every contested Election of a Knight or Knights to serve in Parliament for any County, or for any Riding, Parts or Division of a County, the polling shall commence at of the clock in the forenoon of the next day but two after the day fixed for the Election, unless such next day but two shall be Sunday, and then on the Monday following, at the principal place of Election, and also at the several Places to be appointed as hereinafter directed for taking the Polls, and such polling shall continue for *One* Day only, that is to say, until of the clock in the afternoon of the same day, and not later; any law or statute to the contrary notwithstanding.

4. County Polling Places, what to be.

And be it Enacted, That at every contested Election of a Knight or Knights of the Shire, the Polls for such Election shall be taken at the several Places which shall be appointed and named for that purpose by the Justices of the Peace for the several Counties, Ridings and Parts of Counties, in the manner hereinafter in that behalf directed.

5 Polling Places and Districts to be provided in Counties by the Justices.

And be it Enacted, That the Justices of the Peace for every County in England and Wales, and for each of the Ridings of Yorkshire, and for the Parts of Lindsey, and for the Parts of Kesteven and Holland, in Lincolnshire, assembled at the next Quarter Sessions to be holden after the *passing of this Act*, or at some Special Sessions to be appointed by them so assembled as aforesaid, which shall be holden on or before the *First* day of *December*, in the present year, and in any succeeding year, if they shall think fit, at some Special Sessions to be appointed by them at the Michaelmas Quarter Sessions in such year, shall appoint and name, in addition to and inclusive of the principal Place of Election for the particular County, Riding, Parts or Division of a County, such Places within such County, Riding, Parts or Division respectively as to them shall seem expedient for taking the Poll at Elections

tions for such County, Riding, Parts or Division; and such Justices shall then and there divide such County, Riding, Parts or Division into convenient Districts for Polling, and shall assign one of such Districts to every Polling Place which they shall have so appointed and named as aforesaid, without reference (except where they shall so think fit) to any existing division and assignment of Districts; and a new List, naming and describing the principal place of Election, and the other Polling Places for every County, Riding, Parts and Division, which they shall have so appointed and named as aforesaid, and also naming and describing the several Districts which such Justices shall have so assigned to the principal place of Election, and to every other such Polling Place as aforesaid, shall be forthwith lodged with the Clerk of the Peace for the particular County, Riding, Parts or Division, who shall forthwith cause the same to be submitted to His Majesty, in order to have his sanction and approval thereof, by and under the advice of His most Honourable Privy Council; and when the same shall have been so sanctioned and approved of, the Clerk of the Peace shall forthwith cause such List to be published in the London Gazette, and also in one Newspaper generally circulated in such County, and shall also forthwith cause copies of the same to be printed, and shall deliver a true copy of such List to every Person who shall apply for the same, upon payment of *One* Shilling for each copy; and no such appointment of Polling Places, or division and assignment of Districts which shall be so made as aforesaid, shall be of any force or effect until after the expiration of *Three* calendar Months from the time of the List, naming and describing the same, being so published in the London Gazette as aforesaid, at the expiration of which *Three* calendar Months, the appointment of Polling Places, and division and assignment of Districts so made by such Justices as aforesaid, shall commence and take effect, and thereupon the present Division into Districts of every such County, Riding, Parts and Division, and the assignment of one of such Districts to every Polling Place mentioned in the Schedule marked (N.) to the said Boundary Act annexed, shall cease and be void.

Lists to be made.

To be approved by the King in Council.

List to be published in the London Gazette.

6.

In what Counties, &c. places having separate jurisdiction are to be considered as being.

Provided always, and be it Enacted, That for the purpose of appointing Polling Places in the manner hereinbefore directed, and dividing and assigning Districts to such Polling Places, every Liberty, Franchise and Place having a separate and exclusive jurisdiction shall be considered as being within the County, and within the Division, Riding or Parts in which such Liberty, Franchise or Place is placed by either of the said hereinbefore recited Acts, or in which the same is locally situated: Provided nevertheless, That the Justices of the Peace for the Isle of Ely assembled at the Quarter Sessions for the said Isle of Ely to be holden next after the *passing of this Act*, or at some Special Sessions to be appointed by them so assembled as aforesaid, which shall be holden on or before the *First* day of *December* in this present year, and in any succeeding year, if they shall think

Provision as to the Isle of Ely.

think fit, at some Special Sessions, to be appointed by them at the Michaelmas Quarter Sessions in such year, shall appoint and name such Places within the said Isle as to them shall seem expedient for taking the Poll at Elections for the County of Cambridge; and such Justices shall then and there divide the said Isle into convenient Districts for polling, and shall assign one of such Districts to every Polling Place within the said Isle which they shall have appointed and named as aforesaid, without reference (except where they shall so think fit to any existing division and assignment of Districts in the said Isle;

Lists to be made;

and a new List, naming and describing the several Polling Places for the said Isle, which they shall have so appointed and named as aforesaid, and also naming and describing the several Districts which such Justices shall have so assigned to such several Polling Places as aforesaid, shall be forthwith lodged with the Clerk of the Peace for the said Isle of Ely, who shall forthwith cause the same to be

to be approved by the Privy Council;

submitted to His Majesty, in order to have His sanction and approval thereof, by and under the advice of His most Honourable Privy Council; and when the same shall have been so sanctioned and approved of, the Clerk of the Peace for the said Isle shall forthwith

to be published in the London Gazette.

cause such List to be published in the London Gazette, and also in one Newspaper generally circulated in such County, and and shall also forthwith cause copies of the same to be printed, and shall deliver a true copy of such List to every Person who shall apply for the same, upon payment of *One* Shilling for such copy; and shall also allow such List, or a true Copy thereof, to be inspected at his Office at all reasonable hours; and no such appointment of Polling Places or division and assignment of Districts within the said Isle shall be of any force or effect until after the expiration of *Three* calendar Months from the time of the List, naming and describing the same, being so published in the London Gazette as aforesaid, at the expiration of which *Three* calendar Months the appointment of Polling Places and division and assignment of Districts so made by such Justices as aforesaid shall commence and take effect, and thereupon the present division into Districts of the said Isle of Ely, as well as the assignment of one of such Districts to every Polling Place in the said Isle mentioned in the Schedule marked (N.) to the said Boundary Act annexed, shall cease and be void.

7.

Polling Places for New Shoreham, &c.

And be it Enacted, That the Poll for the Election of Members to serve in Parliament for the several Boroughs of New Shoreham, Cricklade, Aylesbury and East Retford, shall be taken at the several Places which shall be appointed and named for that purpose by the Justices of the Peace for the several Counties wherein such Boroughs are situated respectively, in the manner hereinafter in that behalf directed.

8.

Polling Places and Districts for New Shoreham, &c.

And be it Enacted, That the Justices of the Peace for the respective Counties in which the said several Boroughs of New Shoreham,

Shoreham, Cricklade, Aylesbury and East Retford are situated, shall when assembled at the Quarter Sessions to be holden next after the *passing of this Act*, or at some Special Sessions to be appointed by them so assembled as aforesaid, which shall be holden on or before the *First* day of *December* in the present year, and in any succeeding year, if they shall think fit, at some Special Sessions to be appointed by them at the Michaelmas Quarter Sessions in such year, appoint and name such places within the said several four last-mentioned Boroughs respectively as to them shall seem expedient for taking the Polls at Elections for each of such Boroughs respectively; and such Justices shall then and there divide the said Boroughs respectively into convenient Districts for polling, and shall assign One of such Districts to every such Polling Place which they shall have appointed and named as aforesaid, without reference (except where they shall so think fit) to any existing division and assignment of Districts within the Four last-mentioned Boroughs; and a new List, naming and describing the several Polling Places for said Four last-mentioned Boroughs respectively, which they shall have so appointed and named as aforesaid, and also naming and describing the several Districts which such Justices shall have so assigned to such several Polling Places as aforesaid, shall be forthwith lodged with the Returning Officer of each such Borough respectively, who shall forthwith cause the same to be transmitted to His Majesty in order to His sanction and approval thereof, by and under the advice of His most Honourable Privy Council, and when the same shall have been so sanctioned and approved of, the Returning Officer for each such Borough respectively shall forthwith cause such List to be published in the London Gazette, and also in some Newspaper circulated in the said several Boroughs, and shall also cause copies thereof to be printed and to be fixed on the doors of the several Churches and Chapels within the particular Borough for which such Polling Places shall have been appointed and named, and Districts assigned as aforesaid; and no such appointment of Polling Places, or division and assignment of Districts within such four last-mentioned Boroughs, or any of them, shall be of any force or effect until after the expiration of *Three* calendar Months from the time of the List, naming and describing the same, being so published in the London Gazette and Newspaper as aforesaid, at the expiration of which *Three* calendar Months as the appointment of Polling Places and division and assignment of Districts for such four last-mentioned Boroughs so made by such Justices as aforesaid shall commence and take effect, and thereupon the present division into Districts of such four last-mentioned Boroughs, and the assignment of one of such Districts to every Polling Place for each of such Boroughs mentioned in the Schedule marked (N. 2.) to the said Boundary Act annexed, shall cease and be void.

List to be made.

9. The King in Council may alter appointment of Polling Places, &c.

And be it Enacted, That if His Majesty, by and under the advice of His most Honourable Privy Council, shall be pleased to order any addition or alteration to to be made in any appointment of Polling Places, or division and assignment of Districts which shall have been so submitted to him as aforesaid, such addition or alteration shall be made accordingly, and the List naming and describing such Polling Places and Districts shall be made conformable thereto; and in case His Majesty, by and under such advice as aforesaid, shall refuse to sanction and allow any such appointment of Polling Places, or division and assignments of Districts, or to add to or alter the same, the Justices of the Peace for the particular County, Riding or Parts, and in the case of the Isle of Ely, the Justices of the Peace for said Isle, and in the case of any one of the Boroughs of New Shoreham, Cricklade, Aylesbury and East Retford, the Justices of the Peace for the County wherein such Borough is situated, when assembled at the Quarter Sessions of the Peace to be holden next after the time when His Majesty, by and under such advice as aforesaid, shall have refused to sanction and allow any such appointment, d ivio n or assignment, or to add to or alter the same, shall make a new appointment of Polling Places and division and assignment of Districts in the manner hereinbefore in that behalf directed; and thereupon a new List naming and describing the same shall forthwith be lodged with the Clerk of the Peace or Returning Officer, as the case may be, and shall be submitted to His Majesty, in order to His sanction and approval thereof, by and under the advice of His most Honourable Privy Council in manner aforesaid, and so on from time to time until an appointment of Polling Places and division and assignment of Districts shall have been duly sanctioned and approved of by His Majesty, by and under such advice as aforesaid, whereupon the same shall take effect in the same manner, and subject to the same enactments, limitations and provisions as are hereinbefore enacted and provided with respect to the original appointment of Polling Places and division and assignment of Districts so directed to be made as aforesaid.

Justices to make new appointments of Polling Places, &c. in case the King in Council refuse to sanction former Appointment.

Such new Appointments to be finally approved by the King in Council.

10. Power in Justices to alter the Polling Places and Districts.

And be it Enacted, That the Justices of the Peace for every County, Riding or Parts of a County, and in the case of the Isle of Ely, the Justices of the Peace for the said Isle, and in the case of the Boroughs of New Shoreham, Cricklade, Aylesbury and East Retford, the Justices of the Peace for the respective Counties wherein those Boroughs are situated, when assembled at the Epiphany Quarter Sessions in any year, shall, upon receiving a request in writing in that behalf signed by the Sheriff of the particular County, Riding, Parts or Division, or by the Returning Officer of any one of such Boroughs, or by not fewer than Electors, whose names shall be upon the Register of Voters for the particular County, Riding,

Riding, Parts or Division, or for such particular Borough in force for the then current year, (provided such request so signed as aforesaid be delivered to the Clerk of the Peace for the particular County, Riding, or parts of a County, or for the Isle of Ely, as the case may be, days before such Sessions shall be holden,) if they shall so think fit, add to, vary or alter the then existing appointment and assignment of Polling Places and Districts in such manner as to them shall seem expedient; and in all cases where any such variation, alteration or addition shall have been so made by such Justices, a new List naming and describing the Polling Places, and the division and assignment of Districts, according to such alteration, variation or addition, shall be forthwith made, and such variation, addition and alteration of Polling Places or Districts, and also such new Lists, shall be subject, with regard to the approval thereof by His Majesty, by and under the advice of His most Honourable Privy Council, and in every other respect, to the same enactments, limitations and provisions as the original appointment of Polling Places, and division and assignment of Districts, and the List describing the same which shall have been first made under the provisions of this Act.

11. Booths, how to be provided at Elections for Counties.

And be it Enacted, That at every contested Election for any County, Riding, Parts or Division of a County, the Sheriff, Under-Sheriff or Sheriff's Deputy, shall, if required thereto by or on behalf of any Candidate, or by or on behalf of any Elector who shall have proposed any Candidate on the day fixed for the Election, and if not so required may, if it shall appear to him expedient, cause to be erected at the principal place of Election, and also at the several Polling Places appointed and named for that purpose in the manner hereinbefore in that behalf directed, and not elsewhere, a reasonable number of Booths for taking the Poll, and shall cause to be affixed on the most conspicuous part of each of the said Booths, the names of the several Parishes, Townships and Places for which such Booth is respectively allotted, and no Person shall be admitted to vote at any such Election except at the Booth allotted for the Parish, Township or Place within which the Property in respect of which he is admitted to vote is situated, or at the Booth allotted for the Parish, Township or Place within which his place of abode, as described in the Register of Voters, is situated; and if no Booth shall be so allotted for the same at some one of the Booths for the same District, and in case any Parish, Township or Place shall happen not to be included in any District, the Votes in respect of any property situate in any Parish, Township or Place so omitted shall be taken at the principal place of Election for the County, Riding, Parts or Division of a County, as the case may be: Provided always, That the number of Booths so to be erected as aforesaid

shall be in the proportion of at least one Booth to every *Three hundred* Persons entitled to poll thereat, according to the directions and provisions aforesaid.

12. Provision as to Sheriffs' Deputies, the custody of Poll Books, and declaration of the Poll for Counties.

And be it Enacted, That the Sheriff shall have power to appoint Deputies to preside, and Clerks to take the Poll at the principal place of Election, and also at the several places which shall have been appointed in manner hereinbefore directed, for taking the Poll for any County, or any Riding, Parts or Division of a County; and the Poll Clerks employed at those several places shall at the final close of the Poll publicly and openly enclose and seal their several Books, and forthwith deliver or transmit them so enclosed and sealed to the Sheriff, Under-Sheriff or Sheriff's Deputy presiding at such Poll, who shall give a Receipt for the same, and every such Deputy who shall have received any such Poll-books, shall forthwith deliver or transmit the same so inclosed and sealed to the Sheriff or his Under-Sheriff, and such Sheriff or Under-Sheriff shall keep such Poll-books unopened until the re-assembling of the Court on the next day after the close of the Poll, unless such next day shall be Sunday, and then on the Monday following, when he shall openly break the seals thereon, and cast up the number of Votes as they appear on the said several Books, and shall openly declare the state of the Poll, and shall make proclamation of the Member or Members chosen not later than *Two* of the clock on the afternoon of the said day: Provided always, That it shall be lawful for any Sheriff or Under Sheriff at any such Election (if he be able and willing so to do) with the consent of all the Candidates or Electors who shall have proposed such Candidates, or their agents, thereunto fully authorized by them in writing in that behalf, to break open the seals of such Poll-books, to cast up the number of Votes, to declare the state of the Poll, and to make proclamation of the Member or Members chosen on the same day on which the said Poll shall have closed: Provided also, That such Sheriff or Under Sheriff, may in the presence of all the Candidates, or Electors who shall have proposed such Candidates, or of their agents by them thereunto fully authorized in writing, break open the seals of the said Poll-books, and cast up and ascertain the number of Votes as they shall appear on such several Books upon the Hustings, or in any other convenient place at any time after the final close of the Poll before the time hereinbefore fixed and limited for declaring the state of the Poll and making proclamation of the Member or Members returned.

13. Commencement and continuance of Polls at Borough Elections in England.

And be it Enacted, That at every contested Election of a Member or Members to serve in Parliament for any City or Borough in England (except the Borough of Monmouth), and for the Universities

sities of Oxford and Cambridge, the Poll shall commence on the day fixed for the Election, or on the day next following, or at latest on the third day, unless any of the said days shall be on a Sunday, and then on the Monday following, (the particular day for the commencement of the Poll to be fixed by the Returning Officer,) and such polling shall continue for *One* day only, that is to say, from the hour of in the forenoon until the hour of in the afternoon of the same day, and not later; any law or statute to the contrary notwithstanding.

14. How Booths to be provided for Polling in Boroughs in England.

And be it Enacted, That at every contested Election for a Member or Members to serve in Parliament for any City or Borough in England (except the Borough of Monmouth), the Returning Officer shall, if required thereto by or on behalf of any Candidate, or by or on behalf of any Elector who shall have proposed any Candidate, on the day fixed for the Election, or if not so required may, if it shall appear to him expedient, cause to be erected for the taking the Poll at such Election, different Booths for different Parishes, Districts or Parts of such City or Borough, which Booths may be situated either in one place or in several places, and shall be so divided and allotted into compartments as to such Returning Officer shall seem most convenient, so that no greater number than *Four Hundred* shall be required to poll in any one compartment of a Booth, and the Returning Officer, shall appoint a Clerk to take the Poll at each compartment, and shall cause to be fixed on the most conspicuous part of each of the said Booths, and compartments of Booths, the Names of the several Parishes, Districts and Parts for which such Booth or compartment respectively is allotted; and no Person shall be entitled to vote at any such Election except at the Booth or compartment thereof allotted for the Parish, District or Part wherein the Property may be situated in respect of which he claims to vote, or, in case he does not claim to vote in respect of Property, then wherein his Place of Abode, as described in the Register, may be; but in case no Booth, or compartment of a Booth, shall happen to be provided for any particular Parish, District or Part as aforesaid, the Votes of the Persons voting in respect of Property situated in any Parish, District or Part, so omitted, or having their Place of Abode therein, may be taken at any of the said Booths, and the Votes of Freemen residing out of the limits of the City or Borough may be taken at any of the said Booths; and Public Notice of the situation, division and allotment of the different Booths, and compartments of Booths, shall be given *Two* Days before the commencement of the Poll by the Returning Officer; and in case the Booths shall be situate in different places, the Returning Officer may appoint a Deputy to preside at each place; and at every such Election the Poll Clerks at the close of the Poll, shall publicly and openly enclose and

Each Person to vote at the Booth appointed for the Parish or District.

If the Booths are in different Places, a Deputy to preside at each Place.

As to custody of Poll Books' and declaration of Poll for Boroughs in England.

seal their several Poll-books, and shall publicly deliver them, so enclosed and sealed, to the Returning Officer, or his Deputy, who shall give a receipt for the same; and every Deputy so receiving any such Poll-book, shall forthwith deliver or transmit the same so enclosed and sealed, to the Returning Officer, who shall receive and keep all the Poll-books unopened until the following day, unless such day be Sunday, and then till the Monday following, when he shall openly break the Seals thereon, and cast up the number of Votes as they appear on the said several Books, and shall openly declare the state of the Poll, and make proclamation of the Member or Members chosen not later than *Two* of the clock in the afternoon of the said day: Provided always, That the Returning Officer, or his lawful Deputy, for any such City or Borough, or for either of the Universities of Oxford or Cambridge, may, if he think proper, declare the final state of the Poll, and proceed to make the Return immediately after the Poll shall have been lawfully closed, or as soon after as he hall think fit: Provided also, that no nomination shall be made, or Election holden, for any Member for any City or Borough in any Church, Chapel or other place of Public Worship.

15. Houses may be used for Polling instead of Booths.

Provided always, and be it Enacted, That every Sheriff or other Returning Officer, may, if he shall so think fit, instead of erecting such Booth or Booths as aforesaid, procure or hire and use any houses or other buildings for the purpose of taking the Poll therein; subject always to the same regulations, provisions, liabilities and limitations of expense as Booths to be erected for taking the Poll.

16. Returning Officer may fix Booths in Streets, &c.

And be it Enacted, That no Sheriff or other Returning Officer, nor any person employed by or acting under the authority of such Sheriff or other Returning Officer, shall be prevented from erecting any Booth or Booths for taking the Poll in any public Street, Highway, Square or other open place, nor from breaking the soil or pavement of any such public Street, Square, Highway, or other open place for that purpose, nor be liable to any action at law, or to be indicted for any nuisance in respect of any such act, nor for any damage done in consequence of erecting any such Booth or Booths:

Proviso.

Provided always, That such Sheriff or other Returning Officer shall, within a reasonable time after the Election, repair and make good the damage so done to such soil, pavement or otherwise.

17. Adjournment of Poll in case of Riot.

And be it Enacted, That where the proceedings at any Election shall be interrupted or obstructed by any riot or open violence, the Sheriff, or other Returning Officer, or the lawful Deputy of any Returning Officer, shall not for such cause finally close the Poll, but in case the proceedings shall be so interrupted or obstructed at any particular polling place or places, shall adjourn the Poll at such place

or

or places only until the following day, and if necessary shall further adjourn the same until such interruption or obstruction shall have ceased, when the Returning Officer or his Deputy shall again proceed to take the Poll at such Place or Places; and any day whereon the Poll shall have been so adjourned, shall not as to such place or places be reckoned the day of polling at such Election within the meaning of this Act; and whenever the Poll shall have been so adjourned by any Deputy of any Sheriff or other Returning Officer, such Deputy shall forthwith give notice of such adjournment to the Sheriff or Returning Officer, who shall not finally declare the state of the Poll, or make proclamation of the Member or Members chosen, until the Poll so adjourned at such place or places as aforesaid, shall have been finally closed and the Poll-books delivered, or transmitted to such Sheriff or other Returning Officer; any thing hereinbefore or in any other statute to the contrary notwithstanding.

18. Regulations respecting Polling, &c. for the Borough of Monmouth, and for the contributory Boroughs in Wales.

And be it Enacted, That at every contested Election for the Borough of Monmouth, or for any Shire, Town or Borough named in the second column of the Schedule marked (E.) to the said first-recited Act annexed, or for the Borough composed of the Towns of Swansea, Loughor, Neath, Aberavon and Ken-fig, or for the Borough of Brecon, the polling shall commence on the day next after the day fixed for the respective Election, unless such next day be Sunday, and then on the Monday following, as well at Monmouth as at Newport and Usk respectively, and as well at the Shire Town or Borough as at each of the Places sharing in the Election therewith respectively, and as well at Swansea as at each of the other said four Towns respectively; and such polling shall continue for *One* Day only, that is to say, from the hour of in the forenoon until the hour of in the afternoon of the same day, and not later; and the Returning Officer of the Borough of Monmouth shall give to the Deputies for Newport and Usk respectively, and the Returning Officer of every Shire Town or Borough named in the second column of the said Schedule (E.) to the said Act annexed shall give to the Deputy for each of the Places sharing in the Election of such Shire Town or Borough, notice of the day fixed for such respective Election, and shall before the day fixed for such respective Election, cause to be made and to be delivered to every such Deputy a true Copy of the Register of Voters for the Borough of Monmouth or for such Shire Town or Borough, as the case may be, and shall under his hand, certify every such Copy to be true, and the Portreeve of the Town of Swansea shall give notice of the day of Election to the Deputy for each of the Towns of Loughor, Neath, Aberavon and Ken-fig, and shall in the like manner cause to be made and to be delivered to every such Deputy a true and certified Copy of the Register of Voters for the Borough composed of the said five Towns; and the respective Deputies for Newport and Usk, and for

the respective Places named in the first column of the said Schedule (E.), as well as for the Towns of Loughor, Neath, Aberavon, and Ken-fig shall respectively take and conduct the Poll, and deliver or transmit the Poll-books in the same manner as the Deputies of the Returning Officers of the Cities and Boroughs in England and Wales are by this Act, or by any law or statute not altered or repealed by this Act directed to do, and shall have the same Powers and perform the same duties in every respect as belong to or are vested in such Deputies of Returning Officers: Provided always, That where there shall be a Mayor, Portreeve or other chief Municipal Officer in any Town or Place for which the Returning Officer or the Portreeve of Swansea is required to appoint a Deputy as aforesaid, such Returning Officer or the Portreeve of Swansea, as the case may be, is hereby required to appoint such chief Municipal Officer for the time being to be such Deputy for such Town or Place.

19. Persons voting twice at the same Election guilty of a misdemeanor.

And be it Enacted, That if any Person shall vote twice at the same Election, or having already voted, shall tender or offer his Vote again at the same Election, such Person shall be guilty of a *Misdemeanor*, and shall, upon being convicted thereof, in addition to the pains and penalties hereinbefore imposed on Persons wilfully making false answer to either of the questions hereinbefore authorized to be put at the time of Polling, be punishable with imprisonment with hard labour for the period of *Six* calendar Months.

20. The Statute of 7 & 8 Geo. 4 still in force.

AND whereas doubts have arisen whether an Act passed in the seventh and eighth years of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to make further regulations for preventing corrupt Practices at Elections of Members to serve in Parliament, and for diminishing the Expense of such Elections," is still in force; FOR the removing of such doubts, BE it Enacted and Declared, That the same is still in full force and effect, and not in any way repealed.

21. Penalty for Counsel, Agent or Attorney voting at Elections.

And be it Enacted, That if any Person who shall have been employed at any Election of a Member or Members of Parliament, either during such Election or within *Six* calendar Months previous to such Election, or within *Fourteen* Days after it shall have been completed, as Counsel, Agent, Attorney, Poll Clerk, Flagman or in any other capacity, and who shall at any time either before, during or after such Election accept or take from any Candidate or Candidates, or from any Person whatsoever, for or in consideration of or with reference to such employment any sum or sums of money, retaining fee, office, place or employment shall vote at such Election, every such Person so employed as Counsel, Agent or Attorney as aforesaid and voting contrary to this enactment or

to

to any enactment of the last-recited Act shall forfeit and pay the sum of *Fifty* Pounds to any Person who shall sue for the same in any of His Majesty's Courts of Record at Westminster; and every such Person so employed as Poll Clerk, Flagman or in any other capacity as aforesaid, and voting contrary to this enactment, or to any enactment of the last-recited Act, shall forfeit and pay the sum of *Twenty* Pounds to any Person who shall sue for the same in any of His Majesty's Courts of Record at Westminster: Provided always, That no such Action shall be brought later than *Twelve* calendar Months after the time of committing any such Offence.

Penalty for Poll Clerk, Flagman or bther Person voting.

22.

And be it Enacted, That every Sheriff who shall have caused to be erected any such Booth or Booths as hereinbefore provided, for taking the Poll at any contested Election for any County, Riding, Parts or Division, or who shall have hired any house or other building for that purpose, shall be reimbursed to the full amount of the expense incurred in erecting such Booth or Booths, or hiring such house or other building: Provided always, That the same do not exceed in any case the sum of *Forty* Pounds in the whole in respect of the principal place of Election for such County, Riding, Parts or Division; and the sum of *Twenty-five* Pounds in the whole in respect of any other polling place for such County, Riding, Parts or Division; and every Returning Officer for any City or Borough in England, except the Boroughs of New Shoreham, Cricklade, Aylesbury and East Retford, and the Borough of Monmouth, who shall have caused to be erected any such Booth or Booths as hereinbefore provided, for taking the Poll at any contested Election for any such City or Borough, or hired any house or other building for that purpose, shall be reimbursed to the full amount of the expense incurred in erecting such Booth or Booths, or in hiring such house or other building: Provided always, That the same shall not exceed the sum of *Twenty-five* Pounds in the whole for any one Booth, house or other building; and every Returning Officer for the several Boroughs of New Shoreham, Cricklade, Aylesbury and East Retford respectively, who shall have caused to be erected any such Booth or Booths as hereinbefore provided for taking the Poll at such last-mentioned Boroughs respectively, or hired any house or other building for that purpose, shall be reimbursed to the full amount of the expense incurred in erecting such Booth or Booths, or in hiring such house or other building: Provided always, That the same shall not exceed in any case the sum of *Tweuty-five* Pounds in the whole in respect of any one of the polling places for any of such last-mentioned Boroughs; and all Sheriffs and all Returning Officers for all the Cities and Boroughs in England (except the Borough of Monmouth), shall be reimbursed to the full amount of the

Expenses of Booths, &c. how to be defrayed.

expense incurred in the employment of Deputies and Clerks to take the Poll at any contested Election as hereinbefore directed: Provided always, That the expense of each Deputy shall not exceed *Two* Guineas, and that the expense of each Clerk employed in taking the Poll shall not exceed *One* Guinea; and every Sheriff and other Returning Officer shall, in case of a contested Election, over and above the expenses hereinbefore specified, be reimbursed to the full amount of the sum which shall have been incurred in respect of Poll-books, Stationery, Advertisements, Proclamations, and other contingent expenses of such Election: Provided always, That the same shall not exceed the sum of *Five* Pounds in the whole for any principal place of Election or other polling place for any County, Riding, Parts or Division, or for any one polling place in any one of the Boroughs of New Shoreham, Cricklade, Aylesbury or East Retford, or for any Booth, house or other building erected or hired at any Election for any other City or Borough in England, (except the Borough of Monmouth); and at every Election for a Knight or Knights to serve in Parliament, for any County, Riding, Parts or Division of a County, when there shall not have been any contest for such County, Riding, Parts or Division, nor any Booth or Booths erected, or Poll taken, the Sheriff shall be re-imbursed the full amount of the expenses incurred by him for Stationery, Advertisements, Proclamations, and other contingent expenses of such Election: Provided the same do not in any case exceed in the whole the sum of *Ten* Pounds; and the amount of the several sums so to be repaid to any Sheriff as hereinbefore directed, shall be paid by the Treasurer of the particular County, Riding or Parts out of any public money in his hands, and he shall be allowed all such payments in his accounts; and the amount of the several sums so to be repaid to any Returning Officer for any City and Borough in England (except the Borough of Monmouth) shall be paid to him by the Overseers of the Poor of the several Parishes and Townships within such City or Borough, out of the money collected, or to be collected, for the relief of the Poor in such Parishes or Townships in proportion to the number of persons placed on the Register of Voters for each Parish or Township, provided that no such sums as hereinbefore mentioned shall be repaid to any Sheriff or other Returning Officer, unless the accounts thereof shall have been laid before the Justices of the Peace for the particular County, Riding or Parts at the next Quarter Sessions after the expenses shall have been incurred, and shall have been allowed by the Court.

Expenses of Booths, &c. at Monmouth and at Boroughs in Wales how to be defrayed.

23. And be it Enacted, That the Returning Officer for the Borough of Monmouth, and for each of the several Boroughs in Wales mentioned in the second column of the Schedule (E.) to the said first-recited Act annexed, and for the Borough composed of the five Towns

Towns of Swansea, Loughor, Neath, Aberavon and Ken-fig, and for the Borough of Brecon, shall discharge the expenses attendant upon all contested Elections for such Boroughs respectively, and shall be repaid the amount of the same several sums as are hereinbefore fixed and allowed with respect to expenses incurred by Returning Officers for Cities and Boroughs in England, which said several sums shall be repaid to them by the Overseers of the Poor of the several Parishes and Townships within each such Borough or Place sharing in the Election therewith respectively, in proportion to the number of persons placed on the Register of Voters for each Parish or Township: Provided always, That the same shall have been duly allowed by the Justices of the Peace for the particular County, in the same manner as hereinbefore provided with respect to Cities and Boroughs in England.

24. Expense of conveying Electors to Poll, or of entertaining them unlawful.

AND whereas Candidates at Elections have been put to great costs and charges in and about the conveyance of Voters to and from the Poll, and for their refreshment at or during such Election: AND whereas doubts have arisen as to the legality of payments in respect of such Costs and Charges, and it is expedient that such doubts should be removed; BE it therefore Enacted, That all payments for or in respect of the carriage or conveyance of any Voter or Voters to or from the Poll, or to or from any place or places for the purpose of polling or returning from polling at any Election, or for any refreshment or entertainment of any Voter or Voters during such Election, or going to or returning from the oll, which shall hereafter be made by or on behalf of any Candidate at such Election, shall be and the same are hereby declared to be illegal; and any person who shall for himself or on behalf of any other person demand or receive from any Candidate or from any agent of any Candidate in that behalf, any sum of money, security or other valuable thing, for or in respect of any cost, charge or expense incurred, or to be incurred, in being conveyed or in conveying any Voter, or person claiming to be a Voter, to or from the Poll at any Election, or to or from any Place for the purpose of polling or returning from polling at any Election, or for any refreshment or entertainment of any Voter or Voters, during such Election, or going to returning from the Poll, or any Candidate or person acting for or as the agent of any Candidate in that behalf who shall voluntarily, or at the demand or request of any other person, pay or deliver any such sum of money, security, or other valuable thing for or in respect of any such cost, charge or expense, shall forfeit and pay the *Treble* value of every such sum of money, security or other valuable thing so demanded, received, paid or delivered to any person who shall sue for the same in any of His Majesty's Courts of Record at Westminster: Provided that no such action shall be commenced after the period

Penalty.

How to be recovered.

of *Two* Years shall have elapsed from the time of such demand, receipt, payment or delivery.

25. What other Expenses are illegal.

AND whereas divers demands have been made upon Candidates at Elections, by Sheriffs, Under Sheriffs, Returning Officers, Clerks of the Peace, Town Clerks, and other Persons, for money claimed to be due in respect of the employment of Assessors, and other Legal Advisers, Sheriffs, Under Sheriffs, Returning Officers, Clerks of the Peace, Town Clerks, Sheriffs' Messengers, Special Constables, and other Peace Officers for keeping the peace at Elections, Stewards' Bailiffs, Serjeants-at-Mace, Magistrates' Clerks, Beadles, Criers, and other officers and persons employed at Elections; for receiving the Writ of Election and making the Return thereto; and in respect of charges for the attendance of Solicitors at such Elections; and in respect of expenses incurred in Coach-hire, Tavern and other personal expenses for Stationery and Printing, and in other various matters incidental to and connected with the proceedings at Elections: AND whereas no Candidate ought to be subjected to any such demands; BE it Enacted and Declared, That no Sheriff, Under Sheriff, Sheriff's Deputy, Returning Officer, Clerk of the Peace, Town Clerk, Assessor or other Legal Adviser of a Returning Officer, Steward, Bailiff, Serjeant-at-Mace, Sheriff's Messenger, Magistrate's Clerk, Beadle, Crier, Constable, or other officer or person officially employed at any future Election, shall demand or receive from any Candidate any gratuity, fee or reward, or any money, security or valuable thing whatsoever, for or in respect of any service or work performed, or to be performed, or pretended to have been performed, at any such Election, either by himself or by any other person employed by or under his direction; nor shall any other Person so employed by or under such direction demand, or receive from any such Candidate any gratuity, fee or reward, or any money, security or valuable thing whatsoever, in respect of any service or work performed, or to be performed, or pretended to have been performed, at any such Election; nor shall any of the officers or persons aforesaid, or persons employed by or under the direction of any such officer or other person aforesaid, demand or receive from any Candidate any money, security or valuable thing whatsoever, for goods supplied, or to be supplied, or pretended to have been supplied, or for or in respect of any money advanced or paid, or to be advanced or paid, or pretended to have been advanced or paid, or for or in respect of any expenses or liabilities incurred, or to be incurred, or pretended to have been incurred, in, about or relating to any such Election, or any proceeding thereat; nor shall any Candidate, or person acting as the Agent of any Candidate in that behalf, either voluntarily or at the demand or request of any other person, give, pay, or deliver any such gratuity, fee, reward, money,

money, security or other valuable thing for or in respect of any such service or work performed, or to be performed, or pretended to have been performed, goods supplied or to be supplied, or pretended to have been supplied, money advanced or paid, or to be advanced or paid, or pretended to have been advanced or paid, expense or liability incurred, or to be incurred, or pretended to have been incurred respectively, in, about or relating to any such Election or any proceeding thereat; and any such officer or other person as aforesaid, or person employed by or under the direction of any such officer or other person aforesaid, who shall demand or receive from any Candidate any such gratuity, fee, reward, money, security, or other valuable thing, for or in respect of any such service or work performed, or to be performed, or pretended to have been performed, goods supplied, or to be supplied, or pretended to have been supplied, money advanced or paid, or to be advanced or paid, or pretended to have been advanced or paid, expense or liability incurred, or to be incurred, or pretended to have been incurred respectively, in, about or relating to any such Election, or any proceeding thereat, or any Candidate, or person acting for or as the agent of any Candidate in that behalf, who shall voluntarily, or at the demand or request of any other person, give, pay or deliver any such gratuity, fee, reward, money, security or other valuable thing, for or in respect of any such service or work performed, or to be performed, or pretended to have been performed, goods supplied, or to be supplied, or pretended to have been supplied, money advanced or paid, or to be advanced or paid, or pretended to have been advanced or paid, expense or liability incurred, or to be incurred, or pretended to have been incurred respectively, in, about or relating to any such Election or proceeding thereat, shall forfeit and pay *Treble* the value of every such gratuity, fee, reward, sum of money, security or valuable thing, so demanded, received, paid or delivered to any person who shall sue for the same in any of His Majesty's Courts of Record at Westminster: Provided always, That no such Action shall be commenced after the period of *Two* Years shall have elapsed from the time of such demand, receipt, payment or delivery.

26. Seat voided by Payment of illegal Expenses.

And be it Enacted, That if any Person who shall hereafter be returned to serve in Parliament shall either voluntarily or at the request of any other person, give, pay or deliver, or cause to be given, paid or delivered any Gratuity, Fee, Reward, Money, Security, or valuable thing whatsoever contrary to any of the Enactments in this Act in that behalf contained, the Return of such Person shall be and the same is hereby declared to be void.

27. Returns not liable to Stamp Duty.

And be it Enacted and Declared, That no Indenture, Writing, or other instrument whatever containing the Return of any Member or Members to serve in Parliament shall be liable to any Stamp Duty, or to any other Government Duty whatsoever.

28. Returns, &c. to be sent by Post free of postage.

And be it Enacted, That the Returns of any Writs of Election, Indentures of Return, Precepts for Elections and Returns thereof shall from and after the *passing of this Act* be sent by the General Post to the proper Officer entitled to receive or keep the same, and that no Postage shall be chargeable or paid in respect thereof.

29. New Polling Places to be subject to same provisions as old ones, except where expressly altered.

And be it Enacted, That the Polling Places hereby settled and appointed, and the Districts, Booths, and compartments of Booths, to be erected and provided according to this Act, shall be subject to the same enactments regulations and provisions as Polling Places, Districts, Booths, and compartments of Booths, would be by or according to any law or statute now in force if this Act were not passed, except so far as the same is hereby altered or repealed; and all laws, statutes and usages now in force respecting the Election of Members to serve in any Parliament for that part of the United Kingdom called England and Wales, shall be and remain, and are hereby declared to be and remain, in full force, except so far as any of the said laws, statutes or usages are repealed or altered by this Act, or are inconsistent with the provisions thereof.

30. Elections for Counties how to be conducted until Polling Places and Districts are appointed.

And be it Enacted, That in every case of a contested Election for any County or Riding, Parts or Division of a County, or for any of the Boroughs of New Shoreham, Cricklade, Aylesbury and East Retford, which shall take place before the Justices of the Peace assembled as hereinbefore directed shall have appointed and named Places for taking the Poll and shall have divided such County, Riding, Parts or Division of a County, or any of such Boroughs respectively (as the case may be), into Districts, and assigned one of such Districts to every Polling Place, according to the enactments and provisions hereinbefore in that behalf contained, such Election shall proceed in all respects in the same manner, and according to the same rules, regulations and provisions, as if this Act were not passed: Provided nevertheless, That at any such contested Election for any County or Riding, Parts or Division, or for any of the said four above-mentioned Boroughs, all and every the enactments and declarations in this Act contained with respect to the carriage or conveyance of Voters to or from the Poll, or to or from any Place for the purpose of polling, or with respect to the refreshment or entertainment of Voters, and the penalties hereinbefore in that behalf imposed, shall apply, be in force and attach as fully and in the same manner as at any other contested Election which may take place from and after the *passing of this Act*.

31. No qualification of Estate to be necessary in order to be entitled to serve in Parliament.

And be it Enacted, That from and after the *passing of this Act* no qualification of estate shall be requisite or necessary to enable any Person to sit or vote as a Member of the Commons House of Parliament for any County, Riding, Parts or Division of a County

or

or for any City or Borough in the United Kingdom of Great Britain and Ireland, nor shall any such Person be required to have or be seised of, or entitled to any estate whatsoever, nor shall any Candidate or Person elected be required to take or make any oath or declaration whatsoever with respect to any such qualification or estate, or to deliver any schedule or account of or concerning the same; any Law or Statute to the contrary notwithstanding.

32. Construction of Act.

And be it Enacted, That throughout this Act, wherever the words "City or Borough," "Cities or Boroughs," "Returning Officer," "Parish or Township," "Overseers of the Poor," shall occur in in this Act, such words shall be taken to be used in the same sense, and to have the same force and meaning as such words respectively are by the said first hereinbefore recited Act declared to have, whenever the same occur in that Act; and that all provisions in this Act relative to any matters to be done by or with regard to Justices of the Peace for Counties, or Sessions of the Peace for Counties, or Clerks of the Peace for Counties, or Treasurers of Counties, shall extend to the Justices, Sessions, Clerks of the Peace, and Treasurers of the several Ridings of Yorkshire and Parts of Lincolnshire; and that the Clerk of the Peace for the time being for the Borough of Newport, in the Isle of Wight, shall for the purposes of this Act be deemed and taken to be the Clerk of the Peace for the County of the Isle of Wight; and that all the said respective Justices, Sessions and Clerks of the Peace shall have power to do the several matters required by this Act, as well within Places of exclusive Jurisdiction as without; and that no misnomer or inaccurate description of any Person or Place named or described in this Act or in any Schedule hereto annexed, shall anywise prevent or abridge the operation of this Act with respect to such Person or Place: Provided that such Person or Place shall be so designated as to be commonly understood.

33. This Act not to extend to the Universities, except when named.

And be it Enacted, That nothing in this Act contained shall extend to or anywise affect the election of Members to serve in Parliament for either of the Universities of Oxford or Cambridge, except where the same are expressly mentioned; any thing herein contained to the contrary notwithstanding.

34. Act to apply to England and Wales alone.

And be it Enacted, That this Act shall extend and apply only to England and Wales, except where it is expressly declared to the contrary.

35. Act may be altered this Session.

And be it Enacted, That this Act may be amended and altered by any Act or Acts to be passed during this Session of Parliament.

6 WILL. IV.—Sess. 1835.

A

B I L L

To define and regulate the Expenses of Elections, to limit the duration of the Poll, and to abolish the Qualification of Members of Parliament for England and Wales.

(Prepared and brought in by
Mr. Hume, Lord John Russell, and
Mr. Aglionby.

Ordered, by The House of Commons, *to be Printed,*
6 *July* 1835.

23 *July* 1835.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To define and regulate the Expenses of Elections of Members to serve in Parliament for *England* and *Wales*, and to limit the Duration of the Poll.

[N.B.—*The Clause marked* (A.) *was added in the Committee.*]

WHEREAS by an Act passed in the second year of the reign of His present Majesty, intituled, "An Act to amend the Representation of the People in *England* and *Wales*," in the Preamble of which, amongst other things, it is stated, that it is expedient to diminish the Expense of Elections, certain Expenses are made payable by the Candidates: Preamble: 2 W. 4. c. 45.

And whereas it is expedient yet further to diminish the Expense of Elections, to enable Candidates to be returned to Parliament free of Expense, to shorten the duration of Elections, to declare what Expenses are legal, and better to regulate the same:

And whereas it is by the said recited Act enacted, "That in all Elections whatever of Members to serve in any future Parliament, no inquiry shall be permitted at the time of polling as to the right of any person to vote, except only as follows; (that is to say) that the Returning Officer, or his respective Deputy, shall if required on behalf of any Candidate, put to any Voter, at the time of his tendering his Vote, and not afterwards, the following questions, or any of them, and no other: s. 58.

"1. Are you the same Person whose Name appears as *A. B.* on the Register of Voters now in force for the County of [*or*, for the Riding, Parts or Division, &c. *or*, for the City, &c. *as the case may be*]?

" 2. Have you already voted either here or elsewhere at this Election for the County of [*or*, for the Riding, Parts or Division of the County of , *or*, for the City or Borough of *as the case may be*]?

" 3. Have you the same Qualification for which your Name was originally inserted in the Register of Voters now in force for the County of, &c. [*or*, for the Riding, &c. or for the City, &c. *as the case may be, specifying in each case the particulars of the Qualification, as described in the Register*]?

And if any person shall wilfully make a false Answer to any of the questions aforesaid, he shall be deemed guilty of an indictable Misdemeanor, and shall be punished accordingly; and the Returning Officer, or his Deputy, or a Commissioner or Commissioners, to be for that purpose by him or them appointed, shall (if required on behalf of any Candidate at the time aforesaid) administer an Oath, [*or in case of a Quaker or Moravian, an Affirmation*], to any Voter, in the following form; (that is to say)

" You do swear, [*or*, being a Quaker or Moravian, do affirm,] That you are the same person whose name appears as *A. B.* on the Register of Voters now in force for the County of [*or*, for the Riding, Parts or Division of the County of *or*, for the City or Borough of *as the case may be*], and that you have not before voted either here or elsewhere at the present Election for the said County, [*or*, for the said Riding, Parts or Division of the said County, *or*, for the said City or Borough, *as the case may be.*]

So help you GOD."

And no Elector shall hereafter, at any such Election, be required to take any oath or affirmation, except as aforesaid, either in proof of his Freehold or of his Residence, Age or other qualification or right to vote, any law or statute, local or general, to the contrary notwithstanding; and no person claiming to vote at any such Election shall be excluded from voting thereat, except by reason of its appearing to the Returning Officer, or his respective Deputy, upon putting such questions as aforesaid, or any of them, that the person so claiming to vote is not the same person whose name appears on such Register as aforesaid, or that he has previously voted at the same Election, or that he has not the same Qualification for which his Name was originally inserted in such Register, or except by reason of such person refusing to take the said oath or make the said affirmation, or to take or make the oath or affirmation against Bribery, or any other oath or affirmation now required by law, and

not

not hereby dispensed with; and no scrutiny shall hereafter be allowed by or before any Returning Officer with regard to any Votes given or tendered at any Election of a Member or Members to serve in any future Parliament; any law, statute or usage to the contrary notwithstanding:"

And whereas it is by the said recited Act further enacted, "That at every contested Election of a Knight or Knights to serve in any future Parliament for any County, or for any Riding, Parts or Division of a County, the polling shall commence at Nine o'clock in the forenoon of the next day but two after the day fixed for the Election, unless such next day but two shall be Saturday or Sunday, and then on the Monday following, at the principal place of Election, and also at the several places to be appointed as hereinafter directed for taking polls; and such polling shall continue for Two Days only, such two days being successive days; that is to say, for Seven Hours on the first day of polling and for Eight Hours on the second day of polling; and no poll shall be kept open later than Four o'clock in the afternoon of the second day; any statute to the contrary notwithstanding:" s. 62.

And whereas it is by the said recited Act further enacted, "That the respective Counties in *England* and *Wales*, and the respective Ridings, Parts and Divisions of Counties, shall be divided into convenient districts for polling, and in each district shall be appointed a convenient place for taking the poll at all Elections of a Knight or Knights of the Shire, to serve in any future Parliament, and such Districts and Places for taking the Poll shall be settled and appointed by the Act to be passed in this present Parliament for the purpose of settling and describing the Divisions of the Counties enumerated in the Schedule marked (F.) to this Act annexed; provided that no County, nor any Riding, Parts or Division of a County, shall have more than Fifteen Districts and respective Places appointed for taking the Poll for such County, Riding, Parts or Division:" s. 63.

And whereas it is by the said recited Act further enacted, "That at every contested Election for any County, or Riding, Parts, or Division of a County, the Sheriff, Under Sheriff, or Sheriff's Deputy shall, if required thereto by or on behalf of any Candidate, on the day fixed for the Election, and if not so required may, if it shall appear to him expedient, cause to be erected a reasonable number of Booths for taking the Poll at the principal place of Election, and also at each of the polling places so to be appointed as aforesaid, and shall cause to be affixed on the most conspicuous part of each of the said Booths the names of the several Parishes, Townships and Places for which such Booth is respectively allotted; and no s. 64.

Person shall be admitted to vote at any such Election in respect of any property situate in any Parish, Township or Place, except at the Booth so allotted for such Parish, Township or Place; and if no Booth shall be so allotted for the same, then at any of the Booths for the same District; and in case any Parish, Township, or Place shall happen not to be included in any of the Districts to be appointed, the Votes in respect of property situate in any Parish, Township or Place so omitted shall be taken at the principal place of Election for the County, or Riding, Parts or Division of the County, as the case may be:"

s. 65. And whereas it is by the said recited Act further enacted, "That the Sheriff shall have power to appoint Deputies to preside and Clerks to take the Poll at the principal place of Election, and also at the several places appointed for taking the Poll for any County, or any Riding, Parts, or Division of a County; and that the Poll Clerks employed at those several places shall, at the close of each day's Poll, inclose and seal their several books, and shall publicly deliver them, so inclosed and sealed, to the Sheriff, Under Sheriff, or Sheriff's Deputy presiding at such Poll, who shall give a receipt for the same, and shall, on the commencement of the Poll on the second day, deliver them back, so inclosed and sealed, to the persons from whom he shall have received them; and on the final close of the Poll every such Deputy who shall have received any such Poll-books shall forthwith deliver or transmit the same, so inclosed and sealed, to the Sheriff or his Under Sheriff, who shall receive and keep all the Poll-books unopened until the re-assembling of the Court on the day next but one after the close of the Poll, unless such next day but one shall be Sunday, and then on the Monday following, when he shall openly break the seals therein, and cast up the number of Votes as they appear on the said several Books, and shall openly declare the state of the Poll, and shall make proclamation of the Member or Members chosen, not later than Two of the clock in the afternoon of the said day:"

s. 67. And whereas it is by the said recited Act further enacted, "That at every contested Election of a Member or Members to serve in any future Parliament for any City or Borough in *England*, except the Borough of *Monmouth*, the Poll shall commence on the day fixed for the Election, or on the day next following, or at the latest on the third day, unless any of the said days shall be Saturday or Sunday, and then on the Monday following, the particular day for the commencement of the Poll to be fixed by the Returning Officer; and such polling shall continue for Two Days only, such two days being successive days (that is to say), for Seven Hours on the first

day

day of polling, and for Eight Hours on the second day of polling; and that the Poll shall on no account be kept open later than Four of the clock in the afternoon of such second day; any Statute to the contrary notwithstanding:"

And whereas it is by the said recited Act further enacted, "That at every contested Election of a Member or Members to serve in any future Parliament for any City or Borough in *England*, except the Borough of *Monmouth*, the Returning Officer shall, if required thereto by or on the behalf of any Candidate on the day fixed for the Election, and if not so required may, if it shall appear to him expedient, cause to be erected for taking the Poll at such Election different Booths for different Parishes, Districts or Parts of such City or Borough, which Booths may be situated either in one place or in several places, and shall be so divided and allotted into Compartments as to the Returning Officer shall seem most convenient, so that no greater number than Six Hundred shall be required to poll at any one Compartment; and the Returning Officer shall appoint a Clerk to take the Poll at each Compartment, and shall cause to be affixed on the most conspicuous part of each of the said Booths the names of the several Parishes, Districts and Parts for which such Booth is respectively allotted; and no Person shall be permitted to vote at any such Election, except at the Booth allotted for the Parish, District or part wherein the property may be situate in respect of which he claims to vote, or in case he does not claim to vote in respect of property, then wherein his place of abode is described in the Register may be; but in case no Booth shall happen to be provided for any particular Parish, District or part as aforesaid, the Votes of the Persons voting in respect of Property situate in any Parish, District or Part so omitted, or having their Places of Abode therein, may be taken at any of the said Booths, and the Votes of Freemen residing out of the limits of said City or Borough may be taken at any of the said Booths; and public notice of the situation, division and allotment of the different Booths shall be given Two Days before the commencement of the Poll by the Returning Officer; and in case the Booths shall be situated in different places, the Returning Officer may appoint a Deputy to preside at each place; and at every such Election the Poll Clerks, at the close of each day's Poll, shall enclose and seal their several Poll-books, and shall publicly deliver them, so enclosed and sealed, to the Returning Officer or his Deputy, who shall give a receipt for the same, and shall on the commencement of the Poll on the second day deliver them back, so enclosed and sealed, to the persons from whom he shall have received the same; and every Deputy so receiving any such Poll-books on the final close s. 68.

of the Poll, shall forthwith deliver or transmit the same, so enclosed and sealed, to the Returning Officer, who shall receive and keep all the Poll-books unopened until the following day, unless such day be Sunday, and then till the Monday following, when he shall openly break the seals thereon, and cast up the number of Votes as they appear on the said several Books, and shall openly declare the state of the Poll, and make proclamation of the Member or Members chosen, not later than Two of the clock in the afternoon of the said day: Provided always, That the Returning Officer, or his lawful Deputy, may, if he think fit, declare the final state of the Poll, and proceed to make the Return immediately after the Poll shall have been lawfully closed: Provided also, That no Nomination shall be made or Election holden of any Member for any City or Borough in any Church, Chapel or other place of Public Worship:"

s. 69. And whereas it is by the said recited Act provided and enacted, "That so far as relates to the several Boroughs of *New Shoreham*, *Cricklade*, *Aylesbury* and *East Retford*, as defined by this Act, the said several Boroughs shall be divided into convenient Districts for polling, and there shall be appointed in each District a convenient Place for taking the Poll at all Elections of Members to serve in any future Parliament for each of the said Boroughs, which Districts and Places for taking the Poll shall be settled and appointed by an Act to be passed in this present Parliament:"

s. 70. And whereas it is by the said recited Act further enacted, "That nothing in this Act contained shall prevent any Sheriff or other Returning Officer, or the lawful Deputy of any Returning Officer, from closing the Poll previous to the expiration of the time fixed by this Act in any case where the same might have been lawfully closed before the passing of this Act, and that where the proceedings of any Election shall be interrupted or obstructed by any riot or open violence, the Sheriff or other Returning Officer, or the lawful Deputy of any Returning Officer, shall not for such cause finally close the Poll; but in case the proceedings shall be so interrupted or obstructed at any particular Polling Place or Places, shall adjourn the Poll at such Place or Places until the following day, and, if necessary, shall further adjourn the same until such interruption or obstruction shall have ceased, when the Returning Officer or his Deputy shall again proceed to take the Poll at such Place or Places; and any day whereon the Poll shall have been so adjourned shall not, as to such Place or Places, be reckoned one of the two days of polling at such Election within the meaning of this Act; and wherever the Poll shall have been so adjourned by any Deputy of any Sheriff or other Returning Officer,

such

such Deputy shall forthwith give notice of such Adjournment to the Sheriff or Returning Officer who shall not finally declare the state of the Poll, or make proclamation of the Member or Members chosen, until the Poll so adjourned at such Place or Places as aforesaid shall have been finally closed and delivered or transmitted to such Sheriff or other Returning Officer; any thing hereinbefore contained to the contrary notwithstanding:

And whereas it is by the said recited Act further enacted, "That from and after the end of this present Parliament all Booths erected for the convenience of taking Polls shall be erected at the joint and equal expense of the several Candidates, and the same shall be erected by contract with the Candidates, if they shall think fit to make such contract, or if they shall not make such contract then the same shall be erected by the Sheriff or other Returning Officer, at the expense of the several Candidates as aforesaid, subject to such limitation as hereinafter next mentioned; (that is to say) that the expense to be incurred for the Booth or Booths to be erected at the principal places of Election for any County, Riding, Part or Division of a County, or at any of the Polling Places so to be appointed as aforesaid, shall not exceed the sum of Forty Pounds in respect of any one such Polling Places; and that the expense to be incurred for any Booth or Booths to be erected for any Parish, District, or Part of any City or Borough, shall not exceed the sum of Twenty-five Pounds in respect of any one such Parish, District or Part; and that all Deputies appointed by the Sheriff or other Returning Officer shall be paid each Two Guineas by the day, and all Clerks employed in taking the Poll shall be paid each One Guinea by the day, at the expense of the Candidates at such Election: Provided always, That if any Person shall be proposed without his consent, then the Person so proposing him shall be liable to defray his share of the said expenses, in like manner as if he had been a Candidate; Provided also, That the Sheriff or Returning Officer may, if he shall think fit, instead of erecting such Booth or Booths as aforesaid, procure or hire and use any Houses or other Buildings for the purpose of taking the Poll therein, subject always to the same regulations, provisions, liabilities and limitations of expense as are hereinbefore mentioned with regard to Booths for taking the Poll:" s. 71.

And whereas it is by the said recited Act further enacted, "That at every contested Election for the Borough of *Monmouth*, or for any Shire, Town or Borough named in the Second Column of the said Schedule (E.), or for the Borough composed of the said five Towns, or for the Borough of *Brecon*, the polling shall commence on the day next after the day fixed for the respective Election, unless such next day be Saturday or Sunday, and then on the s. 74.

Monday following, as well at *Monmouth* as at *Newport* and *Usk* respectively, and as well at the Shire Town or Borough as at each of the Places sharing in the Election therewith respectively, and as well at *Swansea* as at each of the four other Towns respectively, and such Polling shall continue for Two Days only, such two days being successive days, (that is to say) for Seven Hours on the first day of polling, and for Eight Hours on the second day of polling, and that the Poll shall on no account be kept open later than Four of the clock in the afternoon of such second day; and the Returning Officer of the Borough of *Monmouth* shall give to the Deputies for *Newport* and *Usk* respectively, and the Returning Officer of every Shire Town or Borough named in the second column of the said Schedule (E.) shall give to the Deputy for each of the places sharing in the Election for such Shire Town or Borough, notice of the day fixed for such respective Election, and shall, before the day fixed for such respective Election, cause to be made and to be delivered to every such Deputy a true Copy of the Register of Voters for the Borough of *Monmouth*, or for such Shire Town or Borough, as the case may be, and shall under his hand certify every such Copy to be true; and the Portreeve of the Town of *Swansea* shall give notice of the day of Election to the Deputy for each of the Towns of *Loughor*, *Neath*, *Aberavon* and *Ken-fig*, and shall in like manner cause to be made and to be delivered to every such Deputy a true and certified Copy of the Register of Voters for the Borough composed of the said five Towns; and the respective Deputies for *Newport* and *Usk*, and for the respective places named in the first column of the said Schedule (E.), as well as for the Towns of *Loughor*, *Neath*, *Aberavon* and *Ken-fig*, shall respectively take and conduct the Poll, and deliver or transmit the Poll-books in the same manner as the Deputies of the Returning Officers of the Cities and Boroughs in *England* are hereinbefore directed to do, and shall have the same powers and perform the same duties in every respect as are respectively conferred and imposed on the said Deputies by this Act: Provided always, That where there shall be a Mayor, Portreeve or other chief Municipal Officer in any Town or Place for which the Returning Officer or the Portreeve of *Swansea* is required to appoint a Deputy as aforesaid, such Returning Officer or the Portreeve of *Swansea*, as the case may be, is hereby required to appoint such chief Municipal Officer for the time being to be such Deputy for such Town or Place:"

2 & 3 W. 4. c. 64. s. 29.

And whereas by an Act passed in the second and third year of the reign of His present Majesty, intituled, "An Act to settle and describe the Divisions of Counties and the Limits of Cities and Boroughs in *England* and *Wales*, in so far as respects the Election of Members to serve in Parliament," and commonly called "The Boundary

Boundary Act," it is enacted, "That the Poll for the Election of Knights of the Shire shall be taken at such Places as in the Schedule to this Act annexed, marked (N.), are mentioned in conjunction with the names of the Counties, and of the Ridings, Parts and Divisions of Counties, in which such Places are respectively situated.

And whereas it is by the said Boundary Act further enacted, "That the Poll for the Election of Members to serve in Parliament for the said several Boroughs of *New Shoreham*, *Cricklade*, *Aylesbury*, and *East Retford* shall be taken at the place or places which in the Schedule to this Act annexed, marked (N. 2), is or are mentioned in conjunction with the names of such several Boroughs respectively:" s. 32.

And whereas it is expedient, in order to the better carrying into effect the purposes aforesaid, that so much of the said Enactments, Declarations and Provisions of the said recited Acts as is hereinbefore recited and set forth, should be repealed, and other Enactments, Declarations and Provisions made in lieu thereof; **Be it Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT so much of the said Acts as is hereinbefore recited shall be and the same is hereby Repealed.

1. Recited Enactments of Reform and Boundary Acts Repealed.

And be it Enacted, That in all Elections whatever of Members to serve in Parliament no inquiry shall be permitted at the time of polling as to the right of any Person to vote except only as follows; (that is to say) that the Returning Officer, or his respective Deputy, or Poll Clerk shall, if required by or on behalf of any Candidate, or by or on behalf of any Elector who shall have proposed such Candidate, put to any Voter at the time of his tendering his Vote, and not afterwards, the following questions, or either of them, and no other:

2. No inquiry at the time of Election, except as to identity of Voter, whether he has voted before at the same Election.

1. Are you the same Person whose name appears as *A. B.* on the Register of Votes now in force for the County of [*or*, for the Riding, Parts or Division, &c. *or*, for the City, &c. *as the case may be*]?

2. Have you already voted either here or elsewhere at this Election for the County of [*or*, for the Riding, Parts or Division of the County of , or for the City or Borough of *as the case may be*]?

Form of Question as to these points.

And if any Person shall wilfully make a false answer to either of the questions aforesaid, he shall be liable to the pains and penalties of Perjury, and on being duly convicted thereof, shall be punished accordingly; and no Person voting or claiming to vote, at any such Election, shall be required to take the Oaths of allegiance, supremacy or abjuration, or to take or make any Oath or Declaration in lieu thereof,

False Answers punishable as Perjury.

All Oaths abolished, except the Bribery Oath.

thereof, or any other Oath, solemn Affirmation or Declaration whatever, except the Oath or Affirmation against Bribery, where the same shall be duly required to be taken; and no Person claiming to vote at any such Election shall be excluded from voting thereat, except by reason of its appearing to the Returning Officer, or his respective Deputy, upon such questions as aforesaid, or either of them, being put, that the person so claiming to vote is not the same person whose name appears on such Register as aforesaid, or that he has previously voted at the same Election, or except by reason of such Person refusing to make answer to either of the said questions, or to take or make the Oath or Affirmation against Bribery; and no scrutiny shall hereafter be allowed by or before any Returning Officer with regard to any Votes given or tendered at any Election of a Member or Members to serve in Parliament; any law, statute or usage to the contrary notwithstanding.

3. Commencement and continuance of Polls at County Elections.

And be it Enacted, That at every contested Election of a Knight or Knights to serve in Parliament for any County, or for any Riding, Parts or Division of a County, the polling shall commence at Eight of the clock in the forenoon of the next day but two after the day fixed for the Election, unless such next day but two shall be Sunday, and then on the Monday following, at the principal place of Election, and also at the several Places to be appointed as hereinafter directed for taking the Polls, and such polling shall continue for One Day only, that is to say, until Five of the clock in the afternoon of the same day, and not later; any law or statute to the contrary notwithstanding.

4. County Polling Places, where to be.

And be it Enacted, That at every contested Election of a Knight or Knights of the Shire, the Polls for such Election shall be taken at the several Places which shall be appointed and named for that purpose by the Justices of the Peace for the several Counties, Ridings and Parts of Counties, in the manner hereinafter in that behalf directed.

5 Polling Places and Districts to be appointed in Counties by the Justices.

And be it Enacted, That the Justices of the Peace for every County in *England* and *Wales*, and for each of the Ridings of Yorkshire, and for the Parts of *Lindsey*, and for the Parts of *Kesteven* and *Holland*, in *Lincolnshire*, assembled at the next Quarter Sessions to be holden after the passing of this Act, or at some Special Sessions to be appointed by them so assembled as aforesaid, which shall be holden on or before the First day of December, in the present year, and in any succeeding year, if they shall think fit, at some Special Sessions to be appointed by them at the Michaelmas Quarter Sessions in such year, shall appoint and name, in addition to and inclusive of the principal Place of Election for the particular County, Riding, Parts or Division of a County, such Places within such County, Riding, Parts or Division respectively as to them shall seem expedient for taking the Poll at Elections

tions for such County, Riding, Parts or Division; and such Justices shall then and there divide such County, Riding, Parts or Division into convenient Districts for Polling, and shall assign one of such Districts to every Polling Place which they shall have so appointed and named as aforesaid, without reference (except where they shall so think fit) to any existing division and assignment of Districts; and a new List, naming and describing the principal place of Election, and the other Polling Places for every County, Riding, Parts and Division, which they shall have so appointed and named as aforesaid, and also naming and describing the several Districts which such Justices shall have so assigned to the principal place of Election, and to every other such Polling Place as aforesaid, shall be forthwith lodged with the Clerk of the Peace for the particular County, Riding, Parts or Division, who shall forthwith cause the same to be submitted to His Majesty, in order to have his sanction and approval thereof, by and under the advice of His most Honourable Privy Council; and when the same shall have been so sanctioned and approved of, the Clerk of the Peace shall forthwith cause such List to be published in the *London* Gazette, and also in one Newspaper generally circulated in such County, and shall also forthwith cause copies of the same to be printed, and shall deliver a true copy of such List to every Person who shall apply for the same, upon payment of One Shilling for each copy; and no such appointment of Polling Places, or division and assignment of Districts which shall be so made as aforesaid, shall be of any force or effect until after the expiration of Three calendar Months from the time of the List, naming and describing the same, being so published in the *London* Gazette as aforesaid, at the expiration of which Three calendar Months, the appointment of Polling Places, and division and assignment of Districts so made by such Justices as aforesaid, shall commence and take effect, and thereupon the present Division into Districts of every such County, Riding, Parts and Division, and the assignment of one of such Districts to every Polling Place mentioned in the Schedule marked (N.) to the said Boundary Act annexed, shall cease and be void.

Lists to be made.

To be approved by the King in Council.

List to be published in the London Gazette.

6.

In what Counties, &c. places having separate jurisdiction are to be considered as being.

Provided always, and be it Enacted, That for the purpose of appointing Polling Places in the manner hereinbefore directed, and dividing and assigning Districts to such Polling Places, every Liberty, Franchise and Place having a separate and exclusive jurisdiction shall be considered as being within the County, and within the Division, Riding or Parts in which such Liberty, Franchise or Place is placed by either of the said hereinbefore recited Acts, or in which the same is locally situated: Provided nevertheless, That the Justices of the Peace for the Isle of *Ely* assembled at the Quarter Sessions for the said Isle of *Ely* to be holden next after the passing of this Act, or at some Special Sessions to be appointed by them so assembled as aforesaid, which shall be holden on or before the First day of December in this present year, and in any succeeding year, if they shall think

Provision as to the Isle of Ely.

think fit, at some Special Sessions, to be appointed by them at the Michaelmas Quarter Sessions in such year, shall appoint and name such Places within the said Isle as to them shall seem expedient for taking the Poll at Elections for the County of *Cambridge*; and such Justices shall then and there divide the said Isle into convenient Districts for polling, and shall assign one of such Districts to every Polling Place within the said Isle which they shall have appointed and named as aforesaid, without reference (except where they shall so think fit) to any existing division and assignment of Districts in the said Isle; and a new List, naming and describing the several Polling Places for the said Isle, which they shall have so appointed and named as aforesaid, and also naming and describing the several Districts which such Justices shall have so assigned to such several Polling Places as aforesaid, shall be forthwith lodged with the Clerk of the Peace for the said Isle of *Ely*, who shall forthwith cause the same to be submitted to His Majesty, in order to have His sanction and approval thereof, by and under the advice of His most Honourable Privy Council; and when the same shall have been so sanctioned and approved of, the Clerk of the Peace for the said Isle shall forthwith cause such List to be published in the *London* Gazette, and also in one Newspaper generally circulated in such County, and and shall also forthwith cause copies of the same to be printed, and shall deliver a true copy of such List to every Person who shall apply for the same, upon payment of OneShilling for such copy; and shall also allow such List, or a true Copy thereof, to be inspected at his Office at all reasonable hours; and no such appointment of Polling Places or division and assignment of Districts within the said Isle shall be of any force or effect until after the expiration of Three calendar Months from the time of the List, naming and describing the same, being so published in the *London* Gazette as aforesaid, at the expiration of which Three calendar Months the appointment of Polling Places and division and assignment of Districts so made by such Justices as aforesaid shall commence and take effect, and thereupon the present division into Districts of the said Isle of *Ely*, as well as the assignment of one of such Districts to every Polling Place in the said Isle mentioned in the Schedule marked (N.) to the said Boundary Act annexed, shall cease and be void.

Lists to be made;

to be approved by the Privy Council;

to be published in the London Gazette.

7. Polling Places for New Shoreham, &c.

And be it Enacted, That the Poll for the Election of Members to serve in Parliament for the several Boroughs of *New Shoreham*, *Cricklade*, *Aylesbury* and *East Retford*, shall be taken at the several Places which shall be appointed and named for that purpose by the Justices of the Peace for the several Counties wherein such Boroughs are situated respectively, in the manner hereinafter in that behalf directed.

8. Polling Places and Districts for New Shoreham, &c

And be it Enacted, That the Justices of the Peace for the respective Counties in which the said several Boroughs of *New Shoreham*,

Shoreham, *Cricklade*, *Aylesbury* and *East Retford* are situated, shall when assembled at the Quarter Sessions to be holden next after the passing of this Act, or at some Special Sessions to be appointed by them so assembled as aforesaid, which shall be holden on or before the First day of December in the present year, and in any succeeding year, if they shall think fit, at some Special Sessions to be appointed by them at the Michaelmas Quarter Sessions in such year, appoint and name such places within the said several four last-mentioned Boroughs respectively as to them shall seem expedient for taking the Polls at Elections for each of such Boroughs respectively; and such Justices shall then and there divide the said Boroughs respectively into convenient Districts for polling, and shall assign One of such Districts to every such Polling Place which they shall have appointed and named as aforesaid, without reference (except where they shall so think fit) to any existing division and assignment of Districts within the Four last-mentioned Boroughs; and a new List, naming and describing the several Polling Places for said Four last-mentioned Boroughs respectively, which they shall have so appointed and named as aforesaid, and also naming and describing the several Districts which such Justices shall have so assigned to such several Polling Places as aforesaid, shall be forthwith lodged with the Returning Officer of each such Borough respectively, who shall forthwith cause the same to be transmitted to His Majesty in order to His sanction and approval thereof, by and under the advice of His most Honourable Privy Council, and when the same shall have been so sanctioned and approved of, the Returning Officer for each such Borough respectively shall forthwith cause such List to be published in the *London* Gazette, and also in some Newspaper circulated in the said several Boroughs, and shall also cause copies thereof to be printed and to be fixed on the doors of the several Churches and Chapels within the particular Borough for which such Polling Places shall have been appointed and named, and Districts assigned as aforesaid; and no such appointment of Polling Places, or division and assignment of Districts within such four last-mentioned Boroughs, or any of them, shall be of any force or effect until after the expiration of Three calendar Months from the time of the List, naming and describing the same, being so published in the *London* Gazette and Newspaper as aforesaid, at the expiration of which Three calendar Months as the appointment of Polling Places and division and assignment of Districts for such four last-mentioned Boroughs so made by such Justices as aforesaid shall commence and take effect, and thereupon the present division into Districts of such four last-mentioned Boroughs, and the assignment of one of such Districts to every Polling Place for each of such Boroughs mentioned in the Schedule marked (N. 2.) to the said Boundary Act annexed, shall cease and be void.

List to be made.

9. The King in Council may alter appointment of Polling Places, &c.

And be it Enacted, That if His Majesty, by and under the advice of His most Honourable Privy Council, shall be pleased to order any addition or alteration to be made in any appointment of Polling Places, or division and assignment of Districts which shall have been so submitted to him as aforesaid, such addition or alteration shall be made accordingly, and the List naming and describing such Polling Places and Districts shall be made conformable thereto; and in case His Majesty, by and under such advice as aforesaid, shall refuse to sanction and allow any such appointment of Polling Places, or division and assignments of Districts, or to add to or alter the same, the Justices of the Peace for the particular County, Riding or Parts, and in the case of the Isle of *Ely*, the Justices of the Peace for said Isle, and in the case of any one of the Boroughs of *New Shoreham*, *Cricklade*, *Aylesbury* and *East Retford* the Justices of the Peace for the County wherein such Borough is situated, when assembled at the Quarter Sessions of the Peace to be holden next after the time when His Majesty, by and under such advice as aforesaid, shall have refused to sanction and allow any such appointment, division, or assignment, or to add to or alter the same, shall make a new appointment of Polling Places and division and assignment of Districts in the manner hereinbefore in that behalf directed; and thereupon a new List naming and describing the same shall forthwith be lodged with the Clerk of the Peace or Returning Officer, as the case may be, and shall be submitted to His Majesty, in order to His sanction and approval thereof, by and under the advice of His most Honourable Privy Council in manner aforesaid, and so on from time to time until an appointment of Polling Places and division and assignment of Districts shall have been duly sanctioned and approved of by His Majesty, by and under such advice as aforesaid, whereupon the same shall take effect in the same manner, and subject to the same enactments, limitations and provisions as are hereinbefore enacted and provided with respect to the original appointment of Polling Places and division and assignment of Districts so directed to be made as aforesaid.

Justices to make new appointments of Polling Places, &c. in case the King in Council refuse to sanction former Appointment.

Such new Appointments to be finally approved by the King in Council.

10. Power in Justices to alter the Polling Places and Districts.

And be it Enacted, That the Justices of the Peace for every County, Riding or Parts of a County, and in the case of the Isle of *Ely*, the Justices of the Peace for the said Isle, and in the case of the Boroughs of *New Shoreham*, *Cricklade*, *Aylesbury* and *East Retford*, the Justices of the Peace for the respective Counties wherein those Boroughs are situated, when assembled at the Epiphany Quarter Sessions in any year, shall, upon receiving a request in writing in that behalf signed by the Sheriff of the particular County, Riding, Parts or Division, or by the Returning Officer of any one of such Boroughs, or by not fewer than One hundred Electors, whose names shall be upon the Register of Voters for the particular County, Riding,

Riding, Parts or Division, or for such particular Borough in force for the then current year, (provided such request so signed as aforesaid be delivered to the Clerk of the Peace for the particular County, Riding, or parts of a County, or for the Isle of *Ely*, as the case may be, Fourteen days before such Sessions shall be holden,) if they shall so think fit, add to, vary or alter the then existing appointment and assignment of Polling Places and Districts in such manner as to them shall seem expedient; and in all cases where any such variation, alteration or addition shall have been so made by such Justices, a new List naming and describing the Polling Places, and the division and assignment of Districts, according to such alteration, variation or addition, shall be forthwith made, and such variation, addition and alteration of Polling Places or Districts, and also such new Lists, shall be subject, with regard to the approval thereof by His Majesty, by and under the advice of His most Honourable Privy Council, and in every other respect, to the same enactments, limitations and provisions as the original appointment of Polling Places, and division and assignment of Districts, and the List describing the same which shall have been first made under the provisions of this Act.

11. Booths, how to be provided at Elections for Counties.

And be it Enacted, That at every contested Election for any County, Riding, Parts or Division of a County, the Sheriff, Under-Sheriff or Sheriff's Deputy, shall, if required thereto by or on behalf of any Candidate, or by or on behalf of any Elector who shall have proposed any Candidate on the day fixed for the Election, and if not so required may, if it shall appear to him expedient, cause to be erected at the principal place of Election, and also at the several Polling Places appointed and named for that purpose in the manner hereinbefore in that behalf directed, and not elsewhere, a reasonable number of Booths for taking the Poll, and shall cause to be affixed on the most conspicuous part of each of the said Booths, the names of the several Parishes, Townships and Places for which such Booth is respectively allotted, and no Person shall be admitted to vote at any such Election except at the Booth allotted for the Parish, Township or Place within which the Property in respect of which he is admitted to vote is situated, or at the Booth allotted for the Parish, Township or Place within which his place of abode, as described in the Register of Voters, is situated; and if no Booth shall be so allotted for the same at some one of the Booths for the same District, and in case any Parish, Township or Place shall happen not to be included in any District, the Votes in respect of any property situate in any Parish, Township or Place so omitted shall be taken at the principal place of Election for the County, Riding, Parts or Division of a County, as the case may be: Provided always, That the number of Booths so to be erected as aforesaid

shall be in the proportion of at least one Booth to every Three hundred Persons entitled to poll thereat, according to the directions and provisions aforesaid.

12. Provision as to Sheriffs' Deputies, the custody of Poll Books, and declaration of the Poll for Counties.

And be it Enacted, That the Sheriff shall have power to appoint Deputies to preside, and Clerks to take the Poll at the principal place of Election, and also at the several places which shall have been appointed in manner hereinbefore directed, for taking the Poll for any County, or any Riding, Parts or Division of a County; and the Poll Clerks employed at those several places shall at the final close of the Poll publicly and openly enclose and seal their several Books, and forthwith deliver or transmit them so enclosed and sealed to the Sheriff, Under-Sheriff or Sheriff's Deputy presiding at such Poll, who shall give a Receipt for the same, and every such Deputy who shall have received any such Poll-books, shall forthwith deliver or transmit the same so inclosed and sealed to the Sheriff or his Under-Sheriff, and such Sheriff or Under-Sheriff shall keep such Poll-books unopened until the re-assembling of the Court on the next day after the close of the Poll, unless such next day shall be Sunday, and then on the Monday following, when he shall openly break the seals thereon, and cast up the number of Votes as they appear on the said several Books, and shall openly declare the state of the Poll, and shall make proclamation of the Member or Members chosen not later than Two of the clock on the afternoon of the said day: Provided always, That it shall be lawful for any Sheriff or Under Sheriff at any such Election (if he be able and willing so to do) with the consent of all the Candidates or Electors who shall have proposed such Candidates, or their agents, thereunto fully authorized by them in writing in that behalf, to break open the seals of such Poll-books, to cast up the number of Votes, to declare the state of the Poll, and to make proclamation of the Member or Members chosen on the same day on which the said Poll shall have closed: Provided also, That such Sheriff or Under Sheriff, may in the presence of all the Candidates, or Electors who shall have proposed such Candidates, or of their agents by them thereunto fully authorized in writing, break open the seals of the said Poll-books, and cast up and ascertain the number of Votes as they shall appear on such several Books upon the Hustings, or in any other convenient place at any time after the final close of the Poll before the time hereinbefore fixed and limited for declaring the state of the Poll and making proclamation of the Member or Members returned.

13. Commencement and continuance of Polls at Borough Elections in England.

And be it Enacted, That at every contested Election of a Member or Members to serve in Parliament for any City or Borough in *England* (except the Borough of *Monmouth*), and for the Universities

sities of *Oxford* and *Cambridge*, the Poll shall commence on the day fixed for the Election, or on the day next following, or at latest on the third day, unless any of the said days shall be on a Sunday, and then on the Monday following, (the particular day for the commencement of the Poll to be fixed by the Returning Officer,) and such polling shall continue for One day only; that is to say, from the hour of Eight in the forenoon until the hour of Five in the afternoon of the same day, and not later; any law or statute to the contrary notwithstanding.

14. How Booths to be provided for Polling in Boroughs in England.

And be it Enacted, That at every contested Election for a Member or Members to serve in Parliament for any City or Borough in *England* (except the Borough of *Monmouth*), the Returning Officer shall, if required thereto by or on behalf of any Candidate, or by or on behalf of any Elector who shall have proposed any Candidate, on the day fixed for the Election, or if not so required may, if it shall appear to him expedient, cause to be erected for the taking the Poll at such Election, different Booths for different Parishes, Districts or Parts of such City or Borough, which Booths may be situated either in one place or in several places, and shall be so divided and allotted into compartments as to such Returning Officer shall seem most convenient, so that no greater number than Four Hundred shall be required to poll in any one compartment of a Booth and the Returning Officer; shall appoint a Clerk to take the Poll at each compartment, and shall cause to be fixed on the most conspicuous part of each of the said Booths, and compartments of Booths, the Names of the several Parishes, Districts and Parts for which such Booth or compartment respectively is allotted; and no Person shall be entitled to vote at any such Election except at the Booth or compartment thereof allotted for the Parish, District or Part wherein the Property may be situated in respect of which he claims to vote, or in case he does not claim to vote in respect of Property, then wherein his Place of Abode, as described in the Register, may be; but in case no Booth, or compartment of a Booth, shall happen to be provided for any particular Parish, District or Part as aforesaid, the Votes of the Persons voting in respect of Property situated in any Parish, District or Part, so omitted, or having their Place of Abode therein, may be taken at any of the said Booths, and the Votes of Freemen residing out of the limits of the City or Borough shall be taken at one Booth exclusively allotted for taking the Votes of such Freemen, and upon a conspicuous part of which Booth the Returning Officer is hereby required to cause the words "Non-Resident Freemen" to be fixed; and Public Notice of the situation, division and allotment of the different Booths, and compartments of Booths, shall be given Two Days before the commencement of the Poll by the Returning Officer; and in case the Booths shall be situate

Each Person to vote at the Booth appointed for the Parish or District.

Separate Booth for Non-Resident Freemen.

If the Booths are in different Places, a Deputy to preside at each Place.

As to custody of Poll Books, and declaration of Poll for Boroughs in England.

in different places, the Returning Officer may appoint a Deputy to preside at each place; and at every such Election the Poll Clerks, at the close of the Poll, shall publicly and openly enclose and seal their several Poll-books, and shall publicly deliver them, so enclosed and sealed, to the Returning Officer, or his Deputy, who shall give a receipt for the same; and every Deputy so receiving any such Poll-book, shall forthwith deliver or transmit the same so enclosed and sealed, to the Returning Officer, who shall receive and keep all the Poll-books unopened until the following day, unless such day be Sunday, and then till the Monday following, when he shall openly break the Seals thereon, and cast up the number of Votes as they appear on the said several Books, and shall openly declare the state of the Poll, and make proclamation of the Member or Members chosen not later than Two of the clock in the afternoon of the said day: Provided always, That the Returning Officer, or his lawful Deputy, for any such City or Borough, or for either of the Universities of *Oxford* or *Cambridge*, may, if he think proper, with the consent of all the Candidates or Electors who shall have proposed such Candidates, declare the final state of the Poll, and proceed to make the Return immediately after the Poll shall have been lawfully closed, or as soon after as he shall think fit: Provided also, that no nomination shall be made, or Election holden, for any Member for any City or Borough in any Church, Chapel or other place of Public Worship.

15. Houses may be used for Polling instead of Booths.

Provided always, and be it Enacted, That every Sheriff or other Returning Officer, may, if he shall so think fit, instead of erecting such Booth or Booths as aforesaid, procure or hire and use any houses or other buildings for the purpose of taking the Poll therein; subject always to the same regulations, provisions, liabilities and limitations of expense as Booths to be erected for taking the Poll.

16. Returning Officer may fix Booths in Streets, &c.

And be it Enacted, That no Sheriff or other Returning Officer, nor any person employed by or acting under the authority of such Sheriff or other Returning Officer, shall be prevented from erecting any Booth or Booths for taking the Poll in any public Street, Highway, Square or other open place, nor from breaking the soil or pavement of any such public Street, Square, Highway, or other open place for that purpose, nor be liable to any action at law, or to be indicted for any nuisance in respect of any such act, nor for any damage done in consequence of erecting any such Booth or Booths: Provided always, That such Sheriff or other Returning Officer shall, within a reasonable time after the Election, repair and make good the damage so done to such soil, pavement or otherwise.

Proviso.

17. Adjournment of Poll in case of Riot.

And be it Enacted, That where the proceedings at any Election shall be interrupted or obstructed by any riot or open violence, the Sheriff,

Sheriff, or other Returning Officer, or the lawful Deputy of any Returning Officer, shall not for such cause finally close the Poll, but in case the proceedings shall be so interrupted or obstructed at any particular polling place or places, shall adjourn the Poll at such place or places only until the following day, and if necessary shall further adjourn the same until such interruption or obstruction shall have ceased, when the Returning Officer or his Deputy shall again proceed to take the Poll at such Place or Places; and any day whereon the Poll shall have been so adjourned, shall not as to such place or places be reckoned the day of polling at such Election within the meaning of this Act; and whenever the Poll shall have been so adjourned by any Deputy of any Sheriff or other Returning Officer, such Deputy shall forthwith give notice of such adjournment to the Sheriff or Returning Officer, who shall not finally declare the state of the Poll, or make proclamation of the Member or Members chosen, until the Poll so adjourned at such place or places as aforesaid, shall have been finally closed and the Poll-books delivered, or transmitted to such Sheriff or other Returning Officer; any thing hereinbefore or in any other statute to the contrary notwithstanding.

18. Regulations respecting Polling, &c. for the Borough of Monmouth, and for the contributory Boroughs in Wales.

And be it Enacted, That at every contested Election for the Borough of *Monmouth*, or for any Shire, Town or Borough named in the second column of the Schedule marked (E.) to the said first-recited Act annexed, or for the Borough composed of the Towns of *Swansea*, *Loughor*, *Neath*, *Aberavon* and *Ken-fig*, or for the Borough of *Brecon*, the polling shall commence on the day next after the day fixed for the respective Election, unless such next day be Sunday, and then on the Monday following, as well at *Monmouth* as at *Newport* and *Usk* respectively, and as well at the Shire Town or Borough as at each of the Places sharing in the Election therewith respectively, and as well at *Swansea* as at each of the other said four Towns respectively; and such polling shall continue for One Day only, that is to say, from the hour of Eight in the forenoon until the hour of Five in the afternoon of the same day, and not later; and the Returning Officer of the Borough of *Monmouth* shall give to the Deputies for *Newport* and *Usk* respectively, and the Returning Officer of every Shire Town or Borough named in the second column of the said Schedule (E.) to the said Act annexed shall give to the Deputy for each of the Places sharing in the Election of such Shire Town or Borough, notice of the day fixed for such respective Election, and shall, before the day fixed for such respective Election, cause to be made and to be delivered to every such Deputy a true Copy of the Register of Voters for the Borough of *Monmouth* or for such Shire, Town or Borough, as the case may be, and shall under his hand, certify every such Copy to be true; and the Portreeve of the Town of *Swansea* shall give notice of the day of Election

tion to the Deputy for each of the Towns of *Loughor*, *Neath*, *Aberavon* and *Kenfig*, and shall in the like manner cause to be made and to be delivered to every such Deputy a true and certified Copy of the Register of Voters for the Borough composed of the said five Towns; and the respective Deputies for *Newport* and *Usk*, and for the respective Places named in the first column of the said Schedule (E.), as well as for the Towns of *Loughor*, *Neath*, *Aberavon*, and *Kenfig* shall respectively take and conduct the Poll, and deliver or transmit the Poll-books in the same manner as the Deputies of the Returning Officers of the Cities and Boroughs in *England* and *Wales* are by this Act, or by any law or statute not altered or repealed by this Act directed to do, and shall have the same Powers and perform the same duties in every respect as belong to or are vested in such Deputies of Returning Officers: Provided always, That where there shall be a Mayor, Portreeve or other chief Municipal Officer in any Town or Place for which the Returning Officer or the Portreeve of *Swansea* is required to appoint a Deputy as aforesaid, such Returning Officer or the Portreeve of *Swansea*, as the case may be, is hereby required to appoint such chief Municipal Officer for the time being to be such Deputy for such Town or Place: Provided also, That if it shall appear to the Returning Officer of the Borough of *Monmouth*, or to the Returning Officer of any Shire, Town or Borough named in the second column of the said Schedule (E.), or to the Returning Officer of the Borough composed of the said Five Towns, that the number of voters for *Monmouth* (or for *Newport* or *Usk*) or for any such Shire, Town or Borough, or for any of the said Five Towns (as the case may be), will exceed Four Hundred, then such Returning Officer shall have the same powers and perform the same duties with respect to the number of Polling Booths and otherwise as are by this Act given to and required from Returning Officers of Boroughs in *England*.

19. Persons voting twice at the same Election guilty of a misdemeanor.

And be it Enacted, That if any Person shall vote twice at the same Election, or having already voted, shall tender or offer his Vote again at the same Election, such Person shall be guilty of a Misdemeanor, and shall, upon being convicted thereof, in addition to the pains and penalties hereinbefore imposed on Persons wilfully making false answer to either of the questions hereinbefore authorized to be put at the time of Polling, be punishable with imprisonment with hard labour for the period of Six calendar Months.

20. The Statute of 7 & 8 Geo. 4 still in force.

AND whereas doubts have arisen whether an Act passed in the seventh and eighth years of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to make further regulations for preventing corrupt Practices at Elections of Members

bers to serve in Parliament, and for diminishing the Expense of such Elections," is still in force; FOR the removing of such doubts, BE it Enacted and Declared, That the same is still in full force and effect, and not in any way repealed.

21. Penalty for Counsel, Agent or Attorney voting at Elections.

And be it Enacted, That if any Person who shall have been employed at any Election of a Member or Members of Parliament, either during such Election or within Six calendar Months previous to such Election, or within Fourteen Days after it shall have been completed, as Counsel, Agent, Attorney, Poll Clerk, Flagman or in any other capacity, and who shall at any time either before, during or after such Election accept or take from any Candidate or Candidates, or from any Person whatsoever, for or in consideration of or with reference to such employment any sum or sums of money, retaining fee, office, place or employment shall vote at such Election, every such Person so employed as Counsel, Agent or Attorney as aforesaid and voting contrary to this enactment or to any enactment of the last-recited Act shall forfeit and pay the sum of Fifty Pounds to any Person who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*; and every such Person so employed as Poll Clerk, Flagman or in any other capacity as aforesaid, and voting contrary to this enactment, or to any enactment of the last-recited Act, shall forfeit and pay the sum of Twenty Pounds to any Person who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*: Provided always, That no such Action shall be brought later than Twelve calendar Months after the time of committing any such Offence.

Penalty for Poll Clerk, Flagman or other Person voting.

22. Expenses of Booths, &c. how to be defrayed.

And be it Enacted, That every Sheriff who shall have caused to be erected any such Booth or Booths as hereinbefore provided, for taking the Poll at any contested Election for any County, Riding, Parts or Division, or who shall have hired any house or other building for that purpose, shall be reimbursed to the full amount of the expense incurred in erecting such Booth or Booths, or hiring such house or other building: Provided always, That the same do not exceed in any case the sum of Forty Pounds in the whole in respect of the principal place of Election for such County, Riding, Parts or Division (including therein any cost or charge in respect of Hustings); and the sum of Twenty-five Pounds in the whole in respect of any other polling place for such County, Riding, Parts or Division, whatever the numberof Booths thereat may be; and every Returning Officer for any City or Borough in *England*, except the Boroughs of *New Shoreham*, *Cricklade*, *Aylesbury* and *East Retford*, and the Borough of *Monmouth*, who shall have caused to be erected any such Booth or Booths as hereinbefore

hereinbefore provided, for taking the Poll at any contested Election for any such City or Borough, or hired any house or other building for that purpose, shall be reimbursed to the full amount of the expense incurred in erecting such Booth or Booths, or in hiring such house or other building: Provided always, That the same shall not exceed the sum of Twenty-five Pounds in the whole for any one Booth, house or other building; and every Returning Officer for the several Boroughs of *New Shoreham*, *Cricklade*, *Aylesbury* and *East Retford* respectively, who shall have caused to be erected any such Booth or Booths as hereinbefore provided for taking the Poll at such last-mentioned Boroughs respectively, or hired any house or other building for that purpose, shall be reimbursed to the full amount of the expense incurred in erecting such Booth or Booths, or in hiring such house or other building: Provided always, That the same shall not exceed in any case the sum of Twenty-five Pounds in the whole in respect of any one of the polling places for any of such last-mentioned Boroughs; and all Sheriffs and all Returning Officers for all the Cities and Boroughs in *England* (except the Borough of *Monmouth*), shall be reimbursed to the full amount of the expense incurred in the employment of Deputies and Clerks to take the Poll at any contested Election as hereinbefore directed: Provided always, That the expense of each Deputy shall not exceed Two Guineas, and that the expense of each Clerk employed in taking the Poll shall not exceed One Guinea; and every Sheriff and other Returning Officer shall, in case of a contested Election, over and above the expenses hereinbefore specified, be reimbursed to the full amount of the sum which shall have been incurred in respect of Poll-books, Stationery, Advertisements, Proclamations, and other contingent expenses of such Election: Provided always, That the same shall not exceed the sum of Five Pounds in the whole for any principal place of Election, and the like amount for any other polling place for any County, Riding, Parts or Division, or for any one polling place in any one of the Boroughs of *New Shoreham*, *Cricklade*, *Aylesbury* or *East Retford*, or for any Booth, house or other building erected or hired at any Election for any other City or Borough in *England*, (except the Borough of *Monmouth*); and at every Election for a Knight or Knights to serve in Parliament, for any County, Riding, Parts or Division of a County, when there shall not have been any contest for such County, Riding, Parts or Division, nor any Booth or Booths erected, or Poll taken, the Sheriff shall be re-imbursed the full amount of the expenses incurred by him for Stationery, Advertisements, Proclamations, and other contingent expenses of such Election: Provided the same do not in any case exceed in the whole the sum of Ten Pounds; and the amount of the several sums so to be repaid to any Sheriff as hereinbefore directed, shall be paid

by

by the Treasurer of the particular County, Riding or Parts out of any public money in his hands, and he shall be allowed all such payments in his accounts; and the amount of the several sums so to be repaid to any Returning Officer for any City and Borough in *England* (except the Borough of *Monmouth*) shall be paid to him by the Overseers of the Poor of the several Parishes and Townships within such City or Borough, out of the money collected, or to be collected, for the relief of the Poor in such Parishes or Townships in proportion to the number of persons placed on the Register of Voters for each Parish or Township, provided that no such sums as hereinbefore mentioned shall be repaid to any Sheriff or other Returning Officer, unless the accounts thereof shall have been laid before the Justices of the Peace for the particular County, Riding or Parts at the next Quarter Sessions after the expenses shall have been incurred, and shall have been allowed by the Court, or, in the case of Cities or Boroughs, before the Mayor and Burgesses of the particular City or Borough (or other Persons forming the Body Corporate thereof, by whatever name, style or title they may be called) at a meeting summoned for the purpose, and of which due notice shall have been given.

23. Expenses of Booths, &c. at Monmouth and at Boroughs in Wales, how to be defrayed.

And be it Enacted, That the Returning Officer for the Borough of *Monmouth*, and for each of the several Boroughs in *Wales* mentioned in the second column of the Schedule (E.) to the said first-recited Act annexed, and for the Borough composed of the five Towns of *Swansea*, *Loughor*, *Neath*, *Aberavon* and *Kenfig*, and for the Borough of *Brecon*, shall discharge the expenses attendant upon all contested Elections for such Boroughs respectively, and shall be repaid the amount of the same several sums as are hereinbefore fixed and allowed with respect to expenses incurred by Returning Officers for Cities and Boroughs in *England*, which said several sums shall be repaid to them by the Overseers of the Poor of the several Parishes and Townships within each such Borough or Place sharing in the Election therewith respectively, in proportion to the number of persons placed on the Register of Voters for each Parish or Township: Provided always, That the same shall have been duly allowed by the Justices of the Peace for the particular County, in the same manner as hereinbefore provided with respect to Cities and Boroughs in *England*.

24. Expense of conveying Electors to Poll, or of entertaining them, unlawful.

AND whereas Candidates at Elections have been put to great costs and charges in and about the conveyance of Voters to and from the Poll, and for their refreshment at or during such Election: AND whereas doubts have arisen as to the legality of payments in respect of such Costs and Charges, and it is expedient that such doubts should be removed; BE it therefore Enacted, That all pay-

ments for or in respect of the carriage or conveyance of any Voter or Voters to or from the Poll, or to or from any place or places for the purpose of polling or returning from polling at any Election, or for any refreshment or entertainment of any Voter or Voters during such Election, or going to or returning from the Poll, which shall hereafter be made by any Candidate, or any Agent of any Candidate on his behalf, at such Election, shall be and the same are hereby declared to be illegal; and any person who shall for himself or on behalf of any other person demand or receive from any Candidate or from any agent of any Candidate in that behalf, any sum of money, security or other valuable thing, for or in respect of any cost, charge or expense incurred, or to be incurred, in being conveyed or in conveying any Voter, or person claiming to be a Voter, to or from the Poll at any Election, or to or from any Place for the purpose of polling or returning from polling at any Election, or for any refreshment or entertainment of any Voter or Voters, during such Election, or going to or returning from the Poll, or any Candidate or any agent of any Candidate in that behalf who shall voluntarily, or at the demand or request of any other person, pay or deliver any such sum of money, security, or other valuable thing for or in respect of any such cost, charge or expense, shall forfeit and pay the Treble value of every such sum of money, security or other valuable thing so demanded, received, paid or delivered to any person who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*, together with full costs of suit: Provided that no such action shall be commenced after the period of Two Years shall have elapsed from the time of such demand, receipt, payment or delivery.

Penalty

How to be recovered.

25. What other Expenses are Illegal.

AND whereas divers demands have been made upon Candidates at Elections, by Sheriffs, Under Sheriffs, Returning Officers, Clerks of the Peace, Town Clerks, and other Persons, for money claimed to be due in respect of the employment of Assessors, and other Legal Advisers, Sheriffs, Under Sheriffs, Returning Officers, Clerks of the Peace, Town Clerks, Sheriffs' Messengers, Special Constables, and other Peace Officers for keeping the peace at Elections, Stewards' Bailiffs, Serjeants-at-Mace, Magistrates' Clerks, Beadles, Criers, and other officers and persons employed at Elections; for receiving the Writ of Election and making the Return thereto; and in respect of charges for the attendance of Solicitors at such Elections; and in respect of expenses incurred in Coach-hire, Tavern and other personal expenses for Stationery and Printing, and in other various matters incidental to and connected with the proceedings at Elections: And whereas no Candidate ought to be subjected to any such demands; BE it Enacted and Declared, That no Sheriff, Under Sheriff, Sheriff's Deputy, Returning Officer, Clerk of the Peace, Town Clerk, Assessor or other Legal Adviser of a Returning Officer,

Officer, Steward, Bailiff, Serjeant-at-Mace, Sheriff's Messenger, Magistrate's Clerk, Beadle, Crier, Constable, or other officer or person officially employed at any future Election, shall demand or receive from any Candidate any gratuity, fee or reward, or any money, security or valuable thing whatsoever, for or in respect of any service or work performed, or to be performed, or pretended to have been performed, at any such Election, either by himself or by any other person employed by or under his direction; nor shall any other Person so employed by or under such direction demand, or receive from any such Candidate any gratuity, fee or reward, or any money, security or valuable thing whatsoever, in respect of any service or work performed, or to be performed, or pretended to have been performed, at any such Election; nor shall any of the officers or persons aforesaid, or persons employed by or under the direction of any such officer or other person aforesaid, demand or receive from any Candidate any money, security or valuable thing whatsoever, for goods supplied, or to be supplied, or pretended to have been supplied, or for or in respect of any money advanced or paid, or to be advanced or paid, or pretended to have been advanced or paid, or for or in respect of any expenses or liabilities incurred, or to be incurred, or pretended to have been incurred, in, about or relating to any such Election, or any proceeding thereat; nor shall any Candidate, or person acting as the Agent of any Candidate in that behalf, either voluntarily or at the demand or request of any other person, give, pay, or deliver any such gratuity, fee, reward, money, security or other valuable thing for or in respect of any such service or work performed, or to be performed, or pretended to have been performed, goods supplied or to be supplied, or pretended to have been supplied, money advanced or paid, or to be advanced or paid, or pretended to have been advanced or paid, expense or liability incurred, or to be incurred, or pretended to have been incurred respectively, in, about or relating to any such Election or any proceeding thereat; and any such officer or other person as aforesaid, or person employed by or under the direction of any such officer or other person aforesaid, who shall demand or receive from any Candidate any such gratuity, fee, reward, money, security, or other valuable thing, for or in respect of any such service or work performed, or to be performed, or pretended to have been performed, goods supplied, or to be supplied, or pretended to have been supplied, money advanced or paid, or to be advanced or paid, or pretended to have been advanced or paid, expense or liability incurred, or to be incurred, or pretended to have been incurred respectively, in, about or relating to any such Election, or any proceeding thereat, or any Candidate, or person acting for or as the agent of any Candidate in that behalf, who shall voluntarily, or at the demand or request of any other person, give, pay or deliver any such gratuity, fee, reward,

money, security or other valuable thing, for or in respect of any such service or work performed, or to be performed, or pretended to have been performed, goods supplied, or to be supplied, or pretended to have been supplied, money advanced or paid, or to be advanced or paid, or pretended to have been advanced or paid, expense or liability incurred, or to be incurred, or pretended to have been incurred respectively, in, about or relating to any such Election or proceeding thereat, shall forfeit and pay Treble the value of every such gratuity, fee, reward, sum of money, security or valuable thing, so demanded, received, paid or delivered to any person who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of Suit: Provided always, That no such Action shall be commenced after the period of Two Years shall have elapsed from the time of such demand, receipt, payment or delivery: Provided also, That nothing herein contained shall extend to or affect any payment or right of demand authorized by this Act.

26. Seat voided by Payment of illegal Expenses.

And be it Enacted, That if any Person who shall hereafter be returned to serve in Parliament shall either voluntarily or at the request of any other person, give, pay or deliver, or cause to be given, paid or delivered any Gratuity, Fee, Reward, Money, Security, or valuable thing whatsoever contrary to any of the Enactments in this Act in that behalf contained, the Return of such Person shall be and the same is hereby declared to be void.

27. Returns not liable to Stamp Duty.

And be it Enacted and Declared, That no Indenture, Writing, or other instrument whatever containing the Return of any Member or Members to serve in Parliament shall be liable to any Stamp Duty, or to any other Government Duty whatsoever.

28. Returns, &c. to be sent by Post free of postage.

And be it Enacted, That the Returns of any Writs of Election, Indentures of Return, Precepts for Elections and Returns thereof shall from and after the passing of this Act be sent by the General Post to the proper Officer entitled to receive or keep the same, and that no Postage shall be chargeable or paid in respect thereof.

29. New Polling Places to be subject to same provisions as old ones, except where expressly altered.

And be it Enacted, That the Polling Places hereby settled and appointed, and the Districts, Booths, and compartments of Booths, to be erected and provided according to this Act, shall be subject to the same enactments regulations and provisions as Polling Places, Districts, Booths, and compartments of Booths, would be by or according to any law or statute now in force if this Act were not passed, except so far as the same is hereby altered or repealed; and all laws, statutes and usages now in force respecting the Election of Members to serve in any Parliament for that part of the United

United Kingdom called *England* and *Wales*, shall be and remain, and are hereby declared to be and remain, in full force, except so far as any of the said laws, statutes or usages are repealed or altered by this Act, or are inconsistent with the provisions thereof.

30. Elections for Counties how to be conducted until Polling Places and Districts are appointed.

And be it Enacted, That in every case of a contested Election for any County or Riding, Parts or Division of a County, or for any of the Boroughs of *New Shoreham*, *Cricklade*, *Aylesbury* and *East Retford*, which shall take place before the Justices of the Peace assembled as hereinbefore directed shall have appointed and named Places for taking the Poll and shall have divided such County, Riding, Parts or Division of a County, or any of such Boroughs respectively (as the case may be), into Districts, and assigned one of such Districts to every Polling Place, according to the enactments and provisions hereinbefore in that behalf contained, such Election shall proceed in all respects in the same manner, and according to the same rules, regulations and provisions, as if this Act were not passed: Provided nevertheless, That at any such contested Election for any County or Riding, Parts or Division, or for any of the said four above-mentioned Boroughs, all and every the enactments and declarations in this Act contained with respect to the carriage or conveyance of Voters to or from the Poll, or to or from any Place for the purpose of polling, or with respect to the refreshment or entertainment of Voters, and the penalties hereinbefore in that behalf imposed, shall apply, be in force and attach as fully and in the same manner as at any other contested Election which may take place from and after the passing of this Act.

31. Clause (A.) Penalty on Officers for breach of Duty.

And be it Enacted, That if any Sheriff, Returning Officer, Deputy or any Person whatsoever shall wilfully contravene or disobey the provisions of this Act or any of them, with respect to any matter or thing which such Sheriff, Returning Officer, Deputy or other Person is hereby required to do, he shall for such his Offence be liable to be sued in an Action of Debt in any of His Majesty's Courts of Record at *Westminster*, for the penal sum of Five hundred Pounds; and the Jury before whom such Action shall be tried may find their Verdict for the full sum of Five hundred Pounds, or for any less sum which the said Jury shall think it just that he should pay for such his offence, and the Defendant in such Action being convicted shall pay such penal sum so awarded, with full Costs of Suit, to the party who may sue for the same: Provided always, That no such Action shall be brought, except by a Person being an Elector, or claiming to be an Elector or a Candidate, or a Member actually returned, or other party actually aggrieved: Provided also, That the remedy hereby given against the Returning Officer shall not be construed to supersede any remedy or action against him according to the Law now in force.

32. Construction of Act.

And be it Enacted, That throughout this Act, wherever the words "City or Borough," "Cities or Boroughs," "Returning Officer," "Parish or Township," "Overseers of the Poor," shall occur in in this Act, such words shall be taken to be used in the same sense, and to have the same force and meaning as such words respectively are by the said first hereinbefore recited Act declared to have, whenever the same occur in that Act; and that all provisions in this Act relative to any matters to be done by or with regard to Justices of the Peace for Counties, or Sessions of the Peace for Counties, or Clerks of the Peace for Counties, or Treasurers of Counties, shall extend to the Justices, Sessions, Clerks of the Peace, and Treasurers of the several Ridings of *Yorkshire* and Parts of *Lincolnshire*; and that the Clerk of the Peace for the time being for the Borough of *Newport*, in the *Isle of Wight*, shall for the purposes of this Act be deemed and taken to be the Clerk of the Peace for the County of the *Isle of Wight*; and that all the said respective Justices, Sessions and Clerks of the Peace shall have power to do the several matters required by this Act, as well within Places of exclusive Jurisdiction as without; and that no misnomer or inaccurate description of any Person or Place named or described in this Act or in any Schedule hereto annexed, shall anywise prevent or abridge the operation of this Act with respect to such Person or Place: Provided that such Person or Place shall be so designated as to be commonly understood.

33. This Act not to extend to the Universities, except when named.

And be it Enacted, That nothing in this Act contained shall extend to or anywise affect the election of Members to serve in Parliament for either of the Universities of *Oxford* or *Cambridge*, except where the same are expressly mentioned; any thing herein contained to the contrary notwithstanding.

34. Act to apply to England and Wales alone.

And be it Enacted, That this Act shall extend and apply only to *England* and *Wales*, except where it is expressly declared to the contrary.

35. Act may be altered this Session.

And be it Enacted, That this Act may be amended and altered by any Act or Acts to be passed during this Session of Parliament.

6 WILL. IV.—Sess. 1835.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To define and regulate the Expenses of Elections of Members to serve in Parliament for *England* and *Wales*, and to limit the Duration of the Poll.

(Prepared and brought in by Mr. Hume and Mr. Aglionby.)

Ordered, by The House of Commons, *to be Printed.*
23 *July* 1835.

23 *July* 1835.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To dispense with the Qualification of Members of the Commons House of Parliament.

WHEREAS a certain Qualification of Estate has heretofore been required in order to enable Persons to sit in the Commons House of Parliament; and experience has shown that no practical advantage has arisen from requiring any such Qualification, but that it is, on the contrary, inconvenient and unnecessary so to do; BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the passing of this Act no Qualification of Estate shall be requisite or necessary to enable any Person to sit or vote as a Member of the Commons House of Parliament for any County, Riding, Parts or Division of a County, or for any City, Borough or Cinque Port in the United Kingdom of *Great Britain* and *Ireland*; nor shall any such Person be required to have or be seised of or entitled to any estate whatsoever; nor shall any Candidate or Person elected be required to take or make any oath or declaration whatsoever with respect to any such Qualification or Estate, or to deliver any schedule or account of or concerning the same; any Law or Statute to the contrary notwithstanding.

Preamble.

1.
No Qualification of Estate to be necessary in order to be entitled to serve in Parliament.

2.
Act may be altered this Session.

And be it Enacted, That this Act may be amended and altered by any Act or Acts to be passed during this Session of Parliament.

6 Will. IV.—Sess. 1835.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To dispense with the Qualification of Members of the Commons House of Parliament.

(Prepared and brought in by Mr. Hume and Mr. Aglionby.)

Ordered, by The House of Commons, *to be Printed,*
23 *July* 1835.

12 *March* 1835.

A

B I L L

To indemnify Witnesses who may give Evidence before Parliament in cases of Bribery.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS it is often difficult to detect Offences of Bribery, or of having been bribed, without the disclosures of parties who have been connected with the commission thereof, and are themselves subject to the penalties imposed on the same: And whereas it is expedient to afford further facilities for the detection of the said Offences; Preamble.

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT if any Person having committed any Offence of Bribery, or of having been bribed, or having been implicated or engaged therein, shall at any time from and after the *passing of this Act*, be examined as a Witness before the House of Lords, or the House of Commons, or any Committee of either House, or any Committee appointed in pursuance of the Act passed in the ninth year of the reign of King GEORGE the Fourth, intituled, "An Act to consolidate and amend the Laws relating to the Trials of controverted Elections, or Returns of Members to serve in Parliament," touching any Bribery or Corruption at or connected with the Election of any Member or Members to serve in any Parliament for any City or Borough, and shall on such examination make a true and faithful discovery and disclosure touching all acts and matters to which such Person shall be so examined, to the satisfaction of The House, or of the Committee before whom such Evidence shall be given,

Witnesses implicated in cases of Bribery and giving Evidence before either House of Parliament, upon receiving a proper certificate, indemnified from all Punishment.

given, such Person so giving Evidence shall be entitled to receive gratis from the Lord Chancellor, The Speaker of the House of Commons, or the Chairman of such Committee, as the case may be, a Certificate, in writing, certifying that such Person has, upon examination, made a true and faithful disclosure touching all acts and matters to which he or she has been so examined; and every such Person who shall have obtained such Certificate shall on receiving the same be freed, indemnified and discharged of and from all penal actions, forfeitures, punishments, disabilities and incapacities, and all criminal prosecutions which such Person may have been or may have become liable to, or may have incurred or may incur, at the suit of His Majesty, or any other Person, for or by reason of or in relation to any act or matter done by such Person in respect of such Bribery and Corruption; and such Certificate shall in all cases be given in evidence under the General Issue, without being specially pleaded.

5 WILL. IV.—Sess. 1835.

A

B I L L

To indemnify Witnesses who may give Evidence before Parliament in cases of Bribery.

(Prepared and brought in by Mr. William Henry Ord and Mr. Gisborne.)

Ordered, by The House of Commons, *to be Printed,*
12 *March* 1835.

35.

27 *May* 1835.

A

B I L L

To limit the Time of taking the Poll at contested Elections of Members to serve in Parliament to One Day.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS it would tend to promote the purity of Elections and the diminution of Expense, if the Poll at all contested Elections of Members to serve in Parliament were taken in One Day: AND whereas by an Act passed in the second year of the reign of His present Majesty King WILLIAM the Fourth, intituled, "An Act to amend the Representation of the People in England and Wales," it is among other things enacted, that such Poll may remain open during the space of Two Days: AND whereas it is expedient to repeal that part of the said recited Act which allows the Poll so to continue open during the space of Two Days; BE *it therefore* Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after *the passing of this Act*, such part of the said recited Act as allows the Poll to continue open during Two Days be repealed, and the same is hereby Repealed. Preamble.

1. Provision in Reform Act allowing Poll to be kept open Two Days repealed.

And be it Enacted, That at every contested Election of a Knight or Knights to serve in Parliament for any County, or for any Riding, Parts or Division of a County, the Polling shall commence at of the clock in the Forenoon of the next Day but Two after the Day fixed for the Election (unless such next Day but Two be Sunday, and then on the Monday following); that the Polling shall continue during such One Day only, and no Poll shall be kept open later than of the clock in the Afternoon.

2. Period for which the Poll is to be kept open for a County.

And

3. Period for a Borough.

And be it further Enacted, That at every contested Election of a Member or Members to serve in Parliament for any City or Borough, the Polling shall commence at of the clock in the Forenoon of the Day next following the Day fixed for the Election (unless such Day next following be Sunday, and then on the Monday following); and the Polling shall continue during such One Day only; and no Poll shall be kept open later than of the clock in the Afternoon.

4. Act not to extend to Scotland or Ireland.

And be it further Enacted, That nothing in this Act shall be construed to apply to Ireland or to Scotland.

5 WILL. IV.—Sess. 1835.

A

B I L L

To limit the Time of taking the Poll at contested Elections of Members to serve in Parliament to One Day.

(*Prepared and brought in by Mr. Elphinstone and Mr. Ewart.*)

Ordered, by The House of Commons, *to be Printed,*
27 *May* 1835.

17 *June* 1835.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To limit the Time of taking the Poll at contested Elections of Members to serve in Parliament to One Day.

[N. B.—*The Clauses marked* (A. *to* E.) *were added by the Committee.*]

WHEREAS it would tend to promote the purity of Elections and the diminution of Expense, if the Poll at all contested Elections of Members to serve in Parliament were taken in One Day: AND whereas by an Act passed in the second year of the reign of His present Majesty King WILLIAM the Fourth, intituled, "An Act to amend the Representation of the People in *England* and *Wales*," it is among other things enacted, that such Poll may remain open during the space of Two Days: AND whereas it is expedient to repeal that part of the said recited Act which allows the Poll so to continue open during the space of Two Days; BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the passing of this Act, such part of the said recited Act as allows the Poll to continue open during Two Days be repealed, and the same is hereby Repealed. Preamble.

1. Provision in Reform Act allowing Poll to be kept open Two Days repealed.

And be it Enacted, That at every contested Election of a Knight or Knights to serve in Parliament for any County, or for any Riding, Parts or Division of a County, the Polling shall commence at Eight of the clock in the Forenoon of the next Day but Two after the Day fixed for the Election (unless such next Day but Two be Sunday, and then on the Monday following); and the Polling shall continue during such One Day only, and no Poll shall be kept open later than Four of the clock in the Afternoon. 2. Period for which the Poll is to be kept open for a County.

AND

3.
CLAUSE (A.)
Number of Polling Places may be increased.

AND whereas by an Act passed in the second year of the reign of His present Majesty King WILLIAM the Fourth, intituled, "An Act to settle and determine the Divisions of Counties, and the Limits of Cities and Boroughs in *England* and *Wales*, in so far as respects the Elections of Members to serve in Parliament;" it is among other things enacted, that certain Places mentioned in the Schedules marked (N. and N. 2.) to such Act annexed, are to be the Polling Places where the Poll at contested Elections of Members to serve in Parliament is to be taken: AND whereas it is expedient that provision should be made to increase, if necessary, the number of such Polling Places; BE it therefore Enacted, That it shall be lawful for His Majesty, by and with the Advice of his Most Honourable Privy Council, to declare and direct, on requisition so to do from any Five Justices of the Peace for any County, or on requisition so to do from the High Sheriff of any County, that such other Places as His Majesty shall think fit, shall be additional Polling Places for taking the Poll at the contested Election of a Member or Members to serve in Parliament for any such County, Riding, Parts or Division of such County, or for the Boroughs of *New Shoreham*, *Cricklade*, *Aylesbury* and *East Retford*, situated within such County.

4.
CLAUSE (B.)
The same to be certified by one of the Clerks in Ordinary of Privy Council.

And be it also Enacted, That every such direction or order for creating additional Polling Places shall be certified under the hand of one of the Clerks in Ordinary of His Majesty's Privy Council, and when so certified, shall be published in the *London Gazette*; and every such direction or order when so published in the *London Gazette*, shall have the like power and effect as if the same had been made by the authority of Parliament; and all Sheriffs, Clerks of the Peace, Returning Officers and other Persons concerned, shall at their peril pay due attention to the same.

5.
Period for a Borough.

And be it further Enacted, That at every contested Election of a Member or Members to serve in Parliament for any City or Borough, the Polling shall commence at Eight of the clock in the Forenoon of the Day next following the Day fixed for the Election (unless such Day next following be Sunday, and then on the Monday following); and the Polling shall continue during such One Day only; and no Poll shall be kept open later than Four of the clock in the Afternoon.

6.
CLAUSE (C.)
Not more than 400 Voters to poll in one Booth.

And be it further Enacted, That on the requisition of any Candidate, or of any Elector being the proposer or seconder of any Candidate, the Polling Booths or Compartments at each Polling Place shall be so divided and arranged by the High Sheriff or other Returning Officer, that not more than Four hundred Electors shall be allotted to poll in each such Booth or Compartment.

And

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7. CLAUSE (D.) Oaths of Allegiance, Supremacy and Abjuration not to be taken.

And be it further Enacted, That no Elector at any Election shall be required to take the Oaths, commonly called the Oaths of Allegiance, Abjuration and Supremacy, nor any Oath or Oaths required to be taken by any Act of Parliament in lieu thereof; any law or statute to the contrary notwithstanding.

8. Act not to extend to Scotland or Ireland.

And be it further Enacted, That nothing in this Act shall be construed to apply to *Ireland* or to *Scotland*.

9. CLAUSE (E.) Act may be repealed this Session.

And be it further Enacted, That this Act may be altered, varied or repealed by any Act to be passed in this present Session of Parliament.

5 WILL. IV.—Sess. 1835.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To limit the Time of taking the Poll at contested Elections of Members to serve in Parliament to One Day.

(*Prepared and brought in by Mr. Elphinstone and Mr. Ewart.*)

Ordered, by The House of Commons, *to be Printed,*
17 *June* 1835.

5/1

30 *July* 1835.

A

B I L L

[AS AMENDED ON RE-COMMITMENT]

To limit the Time of taking the Poll at contested Elections of Members to serve in Parliament to One Day.

[N. B.—*The Clauses marked* (A. *to* E.) *were added by the Committee; and the Clauses* (*a.*) *and* (*b.*) *on the Re-commitment.*]

Preamble.

WHEREAS it would tend to promote the purity of Elections and the diminution of Expense, if the Poll at all contested Elections of Members to serve in Parliament for Cities, Burghs and Towns, or in Counties of Cities or Counties of Towns, were taken in One Day: AND whereas by an Act passed in the second year of the reign of His present Majesty King WILLIAM the Fourth, intituled, "An Act to amend the Representation of the People in *England* and *Wales*," it is among other things enacted, that such Poll may remain open during the space of Two Days: AND whereas it is expedient to repeal that part of the said recited Act which allows the Poll so to continue open during the space of Two Days; BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

1. Provision in Reform Act allowing Poll to be kept open Two Days repealed.

THAT from and after the passing of this Act, such part of the said recited Act as allows the Poll to continue open during Two Days in Cities, Burghs and Towns, or in Counties of Cities or Counties of Towns, be repealed, and the same is hereby Repealed.

2. CLAUSE (A.) Number of Polling Places may be increased.

AND whereas by an Act passed in the second year of the reign of His present Majesty King WILLIAM the Fourth, intituled, "An Act to settle and determine the Divisions of Counties, and the Limits of Cities and Boroughs in *England* and *Wales*, in so far as respects the Elections of Members to serve in Parliament;" it is among other things enacted, that certain Places mentioned in the Schedules marked

(N. and

(N. and N. 2.) to such Act annexed, are to be the Polling Places where the Poll at contested Elections of Members to serve in Parliament is to be taken: And whereas it is expedient that provision should be made to increase, if necessary, the number of such Polling Places; BE it therefore Enacted, That it shall be lawful for His Majesty, by and with the Advice of his Most Honourable Privy Council, to declare and direct, on requisition so to do from any Five Justices of the Peace for any County, or on requisition so to do from the High Sheriff of any County, that such other Places as His Majesty shall think fit, shall be additional Polling Places for taking the Poll at the contested Election of a Member or Members to serve in Parliament for any such County, Riding, Parts or Division of such County, or for the Boroughs of *New Shoreham*, *Cricklade*, *Aylesbury* and *East Retford*, situated within such County.

3. Clause (*a.*) Justices at Quarter Sessions to divide Counties into Districts for Polling Places.

And be it further Enacted, That the Justices of the Peace for any County, Riding, Parts or Division of a County, in Quarter Sessions assembled, shall annually, at the Michaelmas Quarter Sessions, divide and arrange, at their discretion, such County, Riding, Parts or Division of a County, into convenient Districts for Polling; and the said Justices shall assign one of such Districts for Polling to each Polling Place: Provided always, That the said Justices shall cause such arrangement of Districts for Polling to be lodged with their Clerk of the Peace, who shall forthwith cause a true copy of such arrangement of Districts for Polling to be published in the *London Gazette*, and also in at least one Newspaper generally circulated in such County, Riding, Parts or Division of a County.

4. Clause (B.) The same to be certified by one of the Clerks in Ordinary of Privy Council.

And be it also Enacted, That every such direction or order for creating additional Polling Places shall be certified under the hand of one of the Clerks in Ordinary of His Majesty's Privy Council, and when so certified, shall be published in the *London Gazette*; and every such direction or order when so published in the *London Gazette*, shall have the like power and effect as if the same had been made by the authority of Parliament; and all Sheriffs, Clerks of the Peace, Returning Officers and other Persons concerned, shall at their peril pay due attention to the same.

5. Period for a Borough.

And be it further Enacted, That at every contested Election of a Member or Members to serve in Parliament for any City or Borough, the Polling shall commence at Eight of the clock in the Forenoon of the Day next following the Day fixed for the Election (unless such Day next following be Sunday, and then on the Monday following); and the Polling shall continue during such One Day only; and no Poll shall be kept open later than Four of the clock in the Afternoon.

And

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6. Clause (C.) Not more than 400 Voters to poll in one Booth.

And be it further Enacted, That on the requisition of any Candidate, or of any Elector being the proposer or seconder of any Candidate, the Polling Booths or Compartments at each Polling Place shall be so divided and arranged by the Sheriff or other Returning Officer, that not more than Four hundred Electors shall be allotted to poll in each such Booth or Compartment.

7. Clause (D.) Oaths of Allegiance, Supremacy and Abjuration not to be taken.

And be it further Enacted, That no Elector at any Election shall be required to take the Oaths, commonly called the Oaths of Allegiance, Abjuration and Supremacy, nor any Oath or Oaths required to be taken by any Act of Parliament in lieu thereof; any law or statute to the contrary notwithstanding.

8. Clause (*b.*) Adjournment of Poll in case of Riot.

And be it Enacted, That where the proceedings at any Election shall be interrupted or obstructed by any riot or open violence, the Sheriff, or other Returning Officer, or the lawful Deputy of any Returning Officer, shall not for such cause finally close the Poll, but in case the proceedings shall be so interrupted or obstructed at any particular polling place or places, shall adjourn the Poll at such place or places only until the following day, and if necessary shall further adjourn the same until such interruption or obstruction shall have ceased, when the Returning Officer or his Deputy shall again proceed to take the Poll at such Place or Places; and any day whereon the Poll shall have been so adjourned, shall not as to such place or places be reckoned the day of polling at such Election within the meaning of this Act; and whenever the Poll shall have been so adjourned by any Deputy of any Sheriff or other Returning Officer, such Deputy shall forthwith give notice of such adjournment to the Sheriff or Returning Officer, who shall not finally declare the state of the Poll, or make proclamation of the Member or Members chosen, until the Poll so adjourned at such place or places as aforesaid shall have been finally closed and the Poll-books delivered or transmitted to such Sheriff or other Returning Officer; any thing hereinbefore or in any other statute to the contrary notwithstanding.

9. Act not to extend to Scotland or Ireland.

And be it further Enacted, That nothing in this Act shall be construed to apply to *Ireland* or to *Scotland*.

10. Clause (E.) Act may be repealed this Session.

And be it further Enacted, That this Act may be altered, varied or repealed by any Act to be passed in this present Session of Parliament.

5 WILL. IV.—Sess. 1835.

A

B I L L

[AS AMENDED ON RE-COMMITMENT]

To limit the Time of taking the Poll at contested Elections of Members to serve in Parliament to One Day.

(*Prepared and brought in by Mr. Elphinstone and Mr. Ewart.*)

Ordered, by The House of Commons, *to be Printed,*
30 *July* 1835.

CLAUSES

Proposed to be inserted by Mr. *Elphinstone* in Committee, WEDNESDAY, June 17.

CLAUSE (A.)

AND whereas by an Act passed in the second year of the reign of His present Majesty King WILLIAM the Fourth, intituled, "An Act to settle and determine the Divisions of Counties, and the Limits of Cities and Boroughs in *England* and *Wales*, in so far as respects the Elections of Members to serve in Parliament," it is among other things enacted, That certain places mentioned in the Schedule marked (N.) to such Act annexed, are to be the Polling Places where the Poll at contested Elections of Knights of the Shire is to be taken: AND whereas it is expedient that provision should be made to increase, if necessary, the number of such Polling Places; B it therefore further Enacted, That it shall be lawful for His Majesty, by and with the advice of His most honourable Privy Council, to declare and direct, on requisition so to do from the Justices in Quarter Sessions assembled, or on requisition so to do from the High Sheriff of any County, that such other Places as His Majesty shall think fit shall be additional Polling Places for taking the Poll at the contested Election of a Knight or Knights to serve in Parliament for any such County, Riding, parts or divisions of a County.

CLAUSE (B.)

And be it also Enacted, That every such direction or order for creating additional Polling Places shall be certified under the hand of one of the Clerks in Ordinary of His Majesty's Privy Council, and when so certified, shall be published in the *London Gazette*; and every such direction or order when so published in the *London Gazette*, shall have the like power and effect as if the same had been made by the authority of Parliament; and all Sheriffs, Clerks of the Peace, Returning Officers and other Persons concerned, shall at their peril pay due attention to the same.

CLAUSE (C.)

And be it further Enacted, That the Polling Booths or Compartments at each Polling Place, as far as relates to Counties, shall be so divided and arranged by the High Sheriff, or other Returning Officer,

that not more than Three hundred and fifty Electors shall be allotted to poll in each such Booth or Compartment.

CLAUSE (D.)

And be it further Enacted, That no Elector at any Election shall be required to take the Oaths, commonly called the Oaths of *Allegiance, Supremacy* and *Abjuration*, nor any Oath or Oaths required to be taken by any Act of Parliament in lieu thereof; any law or statute to the contrary notwithstanding.

CLAUSE (E.)

And be it further Enacted, That this Act may be altered, varied or repealed by any Act to be passed in this present Session of Parliament.

LIMITATION OF POLLS BILL.

CLAUSES

Proposed to be inserted by Mr. *Elphinstone* in Committee, Wednesday, June 17.

June 1835.

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LIMITATION OF POLLS BILL.

CLAUSE

Proposed to be inserted by Mr. *Lushington* in Committee.

Votes twice given to be struck from the Poll; Votes rejected for misnomer or mis-spelling to be added to the Poll.

And be it Enacted, That every Returning Officer, before he proceeds to the final declaration of the number of Votes as they appear on the several Poll Books, shall, upon application from any Candidate or Elector, strike out of the Poll any Vote or Votes which shall have been twice given in error or in fraud; and every Returning Officer shall in like manner add to the Poll any Vote or Votes that may have been rejected on the days of polling, merely on account of any misnomer or mis-spelling in the Register: And it is hereby Declared, That any Returning Officer who shall be guilty of disobedience herein, shall, for such his offence, be liable in every case to all the Penalties imposed on officers for breach of duty in the Seventy-sixth Clause of the third and fourth of WILLIAM the Fourth, Chapter Forty-five; and the remedy hereby given against the Returning Officer shall not be construed to supersede any remedy against him through a Committee of the House of Commons for making a false Return, nor any action against him, according to the law in force before the passing of the above recited Act.

CLAUSE

Proposed to be inserted by Mr. *Lushington* in Committee.

June 1835.

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21 *August* 1835.

Amendments to the Polls at Elections Bill.

AMENDMENTS

Made by the Lords

To the BILL, intituled, AN ACT to limit the Time of taking the Poll at contested Elections of Members to serve in Parliament to One Day.

N. B.—The Marginal Notes refer to the Press and Line of the Ingrossment.

Ingrossed Bill.

Pr. 1. l. 8. Leave out (in) and insert (for)

Pr. 2. l. 7. Leave out from (repealed) to (and) in Press 4, line 22.

Pr. 4. l. 31. Leave out from (election) to (and) in line 34.

L. penult. After (afternoon) insert (Provided always, That when such day next following the day fixed for the election shall be Sunday, Good Friday or Christmas-day, then in the case it be Sunday the Poll shall be on the Monday next following, and in the case it be Good Friday, then on the Saturday next following, and in the case it be Christmas-day, then on the next following day, if the same shall not be Sunday, and if it be Sunday, on the next following Monday)

Pr. 5. l. 1. Leave out from (that) to (the) in line four.

l. 12 & l. 13. After (compartment) insert clause (A.)

CLAUSE (A.) And be it further Enacted, That on the requisition of any Candidate or of any Elector being the proposer or seconder of any Candidate, the Booths or Compartments at each Polling place shall be so divided and arranged by the Sheriff or other returning Officer, that not more than One hundred Electors shall be allotted to poll in each such Booth or Compartment: Provided always, That such Candidate or Elector, making such requisition, shall pay all expenses incident upon such division or arrangement.

l. 24. After (notwithstanding) insert clause (B.)

CLAUSE (B.) And be it further Enacted, That such of the Freemen of the City of *London* being Liverymen, as are or shall be entitled to vote in the election of Members to serve in any future Parliament for the City of *London* in the Guildhall, and who are or shall be also entitled to vote

 in

in such Election, as owner or tenant of premises in such City, shall be entitled to vote at any such Election, at the Booth or Place appointed for the Parish, District or part wherein the property may be situate, in respect of which he is so entitled to vote as aforesaid; and that such vote shall be entered in the Poll-books either as the vote of a Liveryman, or as owner or tenant, as the Person so voting shall direct.

Pr. 5. l. 29. After (violence) insert (whether such proceedings shall consist of the nomination of candidates or of the taking the Poll)

l. 33. After (cause) insert (terminate the business of such nomination, nor)

l. 34. Leave out from (but) to (particular) in line 36, and insert (shall adjourn the Nomination or the taking the Poll at the)

l. 37. Leave out from (places) to (until) in line ultimo, and insert (at which such interruption or obstruction shall have happened)

Pr. 6. l. 2. Leave out (the same) and insert (such nomination or Poll, as the case may be)

l. 6. Leave out from (proceed) to (and) in line 8, and insert (with the business of the nomination, or with the taking the Poll, as the case may be, at the place or places at which the same respectively may have been interrupted or obstructed; and the day on which the business of the nomination shall have been concluded, shall be deemed to have been the day fixed for the Election, and the commencement of the Poll shall be regulated accordingly)

l. 35. After (notwithstanding) insert (Provided always, That this Act shall not be taken to authorize an Adjournment to a Sunday, but that in every case in which the day to which the Adjournment would otherwise be made, shall happen to be a Sunday, Good Friday, or Christmas Day, that day or days shall be passed over, and the following shall be the day to which the adjournment shall be made.)

In the Title of the Bill,

Line 2, After (Poll) insert (in Boroughs).

6 WILL. IV.—Sess. 1835.

AMENDMENTS

Made by the Lords

To the BILL, intituled, AN ACT to limit the Time of taking the Poll at contested Elections of Members to serve in Parliament to One Day.

Ordered, by The House of Commons, *to be Printed,*
21 *August* 1835.

13 *March* 1835.

A

B I L L

For the more effectual Registration of Persons entitled to Vote in the Election of Members to serve in Parliament in England and Wales.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS an Act passed in the second year of His present Majesty, intituled, "An Act to amend the Representation of the People in England and Wales:" Preamble:

And whereas it is expedient and necessary that some of the provisions of the said Act should be amended, and that further and additional provision should be made for rendering the same more effectual, with respect to the Registration of Persons entitled to vote in the Elections of Members to serve in Parliament in England and Wales:

And whereas it is by the said Act enacted, "That the Overseers of the Poor of every parish and township shall, on the Twentieth day of June in the present and in every succeeding year, cause to be fixed on or near the Doors of all the Churches and Chapels within such parish or township, or if there be no Church or Chapel therein, then to be fixed in some public and conspicuous situation within the same respectively, a Notice according to the Form mentioned in the Schedule (H.) to this Act annexed, requiring all Persons who may be entitled to vote in the election of a Knight or Knights of the Shire to serve in any future Parliament in respect of any property situate wholly or in part in such parish or township, to deliver or transmit to the said Overseers on or before the Twentieth day of July in the present and in every succeeding year, a Notice of their claim as such Voters, according to the Form numbered 2. in the said Schedule (H.), or to the like effect:" 2 W. 4. c. 45. s. 37.

And it is by the said recited Act " provided, That after the formation of the Register to be made in each year as hereinafter mentioned, no Person whose name shall be upon such Register for the time being, shall be required thereafter to make any such claim as aforesaid, so long as he shall retain the same qualification and continue in the same place of abode described in such Register :"

s. 38. And it is by the said recited Act further enacted, " That the Overseers of the Poor of every parish or township shall, on or before the last day of July in the present year, make out, or cause to be made out, according to the Form numbered 3. in the said Schedule (H.) an Alphabetical List of all Persons who shall claim as aforesaid to be inserted in such List as Voters in the election of a Knight or Knights of the Shire to serve for the county, or for the riding, parts or division of the county wherein such parish or township lies, in respect of any lands or tenements situate wholly or in part within such parish or township ; and that the said Overseers shall, on or before the last day of July in every succeeding year, make out, or cause to be made out, a like List, containing the Names of all Persons who shall be upon the Register for the time being as such Voters, and also the Names of all Persons who shall claim as aforesaid to be inserted in such last-mentioned List as such Voters ; and in every List so to be made by the Overseers as aforesaid, the Christian Name and the Surname of every Person shall be written at full length, together with the place of his abode, the nature of his qualification, and the local or other description of such lands or tenements as are respectively set forth in his claim to vote, and the Name of the occupying Tenant, if stated in such claim ; and the said Overseers, if they shall have reasonable cause to believe that any Person so claiming as aforesaid, or whose name shall appear in the Register for the time being, is not entitled to vote in the election of a Knight or Knights of the Shire for the county, or for the riding, parts or division of the county in which their parish or township is situate, shall have the power to add the words 'objected to' opposite the name of every such Person in the margin of such List ; and the said Overseers shall sign such List, and shall cause a sufficient number of copies of such List to be written or printed, and to be fixed on or near the doors of all the Churches and Chapels within their parish or township, or if there be no Church or Chapel therein, then to be fixed up in some public and conspicuous situation within the same respectively on the two Sundays next after such List shall have been made ; and the said Overseers shall likewise keep a true copy of such List, to be perused by any person, without payment of any fee, at all reasonable hours during the first two weeks after such List shall have been made :"

And it is by the said recited Act " provided, That every precinct or place, whether extra-parochial or otherwise, which shall have no Overseers

Overseers of the Poor, shall, for the purpose of making out such List as aforesaid, be deemed to be within the parish or township adjoining thereto, such parish or township being situate within the same county, or the same riding, parts or division of a county, as such precinct or place; and if such precinct or place shall adjoin two or more parishes or townships so situate as aforesaid, it shall be deemed to be within the least populous of such parishes or townships according to the last Census for the time being; and the Overseers of the Poor of every such parish or township shall insert in the List for their respective parish or township the names of all Persons who shall claim as aforesaid to be inserted therein as Voters in the election of a Knight or Knights of the Shire to serve for the county, or for the riding, parts or division of the county in which such precinct or place as aforesaid lies, in respect of any lands or tenements situate wholly or in part within such precinct or place:"

And it is by the said recited Act further enacted, "That every Person who shall be upon the Register for the time being of Voters for any county, or for any riding, parts or division of a county, or who shall have claimed to be inserted in any List for the then current year of Voters for any county, or any riding, parts or division of a county, may object to any Person as not having been entitled on the last day of July then next preceding to have his name inserted in any List of Voters for such county, riding, parts or division so to be made out as aforesaid; and every Person so objecting (save and except Overseers objecting in the manner hereinbefore mentioned) shall, on or before the Twenty-fifth day of August in the present and every succeeding year, give or cause to be given a Notice in writing, according to the Form numbered 4. in the said Schedule, or to the like effect, to the Overseers who shall have made out the List in which the name of the Person so objected to shall have been inserted; and the Person so objecting shall also, on or before the Twenty-fifth day of August in the present and in every succeeding year, give to the Person objected to, or leave at his place of abode as described in such List, or personally deliver to his Tenant in occupation of the premises described in such List, a Notice in writing according to the Form numbered 5. in the said Schedule (H.) or to the like effect; and the Overseers shall include the names of all Persons so objected to in a List according to the Form numbered 6. in the said Schedule (H.); and shall cause copies of such Lists to be fixed on or near the doors of all the Churches and Chapels within their parish or township; or if there be no Church or Chapel therein, then to be fixed in some public and conspicuous situations within the same respectively on the two Sundays next preceding the Fifteenth day of September in the present and in every succeeding year; and the Overseers shall likewise keep a copy of the Names of the Persons so objected to, to be perused by any Person, without payment of any fee, at all reasonable hours during the s. 39.

Ten days next preceding the Fifteenth day of September in the present and in every succeeding year:"

s. 40. And it is by the said recited Act further enacted, "That on the Twenty-ninth day of August in the present and in every succeeding year, the Overseers of every parish and township shall deliver the List of Voters so made out as aforesaid, together with a written Statement of the number of Persons objected to by the Overseers and by other Persons, to the High Constable or High Constables of the Hundred or other like district in which such parish or township is situate; and such High Constable or High Constables shall forthwith deliver all such Lists, together with such Statements as aforesaid, to the Clerk of the Peace of the county, riding or parts, who shall forthwith make out an Abstract of the number of Persons objected to by the Overseers and by the other Persons in each parish and township, and transmit the same to the Barrister or Barristers appointed as hereinafter mentioned to revise such Lists, in order that the said Barrister or Barristers may fix proper times and places for holding his or their Courts for the revision of the said Lists:"

s. 42. And it is by the said recited Act further enacted, "That the Clerk of the Peace shall, at the opening of the first Court to be held by every such Barrister for any county, or for any ridings, parts or division of a county, produce or cause to be produced before him the several Lists of the Voters for such county, riding, parts or division which shall have been delivered to such Clerk of the Peace by the High Constables as aforesaid; and the Overseers of every parish and township who shall have made out the Lists of Voters, shall attend the Court to be held by every such Barrister at the place appointed for revising the Lists relating to such parish or township respectively, and shall also deliver to such Barrister a copy of the List of the Persons objected to so made out by them as aforesaid; and the said Overseers shall answer, upon oath, all such questions as such Barrister may put to them, or any of them, touching any matter necessary for revising the Lists of Voters; and every such Barrister shall retain on the Lists of Voters the names of all Persons to whom no objection shall have been made by the Overseers or by any other Person in the manner hereinbefore mentioned, and he shall also retain on the Lists of Voters the name of every Person who shall have been objected to by any Person other than the Overseers, unless the party so objecting shall appear by himself, or by some one on his behalf, in support of such objection; and where the name of any Person inserted in the List of Voters shall have been objected to by the Overseers, or by any other Person, in the manner hereinbefore mentioned, and such Person so objecting shall appear by himself, or by some one on his behalf, in support of such objection;

and

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and where the name of any Person inserted in the List of Voters shall have been objected to by the Overseers or by any other Person in the manner hereinbefore mentioned, and such Person so objecting shall appear by himself, or by some one on his behalf, in support of such objection, every such Barrister shall require it to be proved that the Person so objected to was entitled, on the last day of July then next preceding, to have his name inserted in the List of Voters in respect of the qualification contained in such List; and in case the same shall not be proved to the satisfaction of such Barrister, or in case it shall be proved that such Person was then incapacitated by any law or statute from voting in the election of Members to serve in Parliament, such Barrister shall expunge the name of every such Person from the said Lists, and he shall also expunge from the said Lists the name of every Person who shall be proved to him to be dead, and shall correct any mistake which shall be proved to him to have been made in any of the said Lists as to any of the particulars by this Act required to be inserted in such Lists; and where the Christian name of any Person, or his place of abode, or the nature of his qualification, or the local or other description of his property, or the name of the Tenant in the occupation thereof, as the same respectively are required to be inserted in any such List, shall be wholly omitted therefrom, such Barrister shall expunge the name of every such Person from such List, unless the matter or matters so omitted be supplied to the satisfaction of such Barrister before he shall have completed the revision of such Lists, in which case he shall then and there insert the same in such List:"

And it is by the said recited Act "provided, That no Person's name shall be expunged from any such List except in case of his death, or of his being objected to on the margin of the List by the Overseers as aforesaid, or except in case of any such omission or omissions as hereinbefore last mentioned, unless such Notice as is hereinbefore required in that behalf shall have been given to the Overseers, nor unless such Notice as is hereinbefore required in that behalf shall have been given to such Person, or left at his place of abode, or delivered to his tenant as hereinbefore mentioned:"

And, whereas it is by the said recited Act also provided, that if s. 43.
"it shall happen that any Person who shall have given to the Overseers of any parish or township due notice of his claim to have his Name inserted in the List of Voters, in the election of a Knight or Knights of the Shire, shall have been omitted by such Overseers from such List, it shall be lawful for the Barrister, upon the revision of such a List, to insert therein the Name of the Person so omitted, in case it shall be proved to the satisfaction of such Barrister that such Person gave due notice of such his claim to the said Overseers, and that he was entitled on the last day of July then next preceding to be inserted

in the List of Voters in the election of a Knight or Knights of the Shire for the county, or for the riding, parts or division of the county, wherein the parish or township of such Overseers may be situate, in respect of any lands or tenements within such parish or township :"

s. 44. And whereas it is by the said recited Act further enacted, "That the Overseers of the Poor of every parish and township, either wholly or in part situate within any city or borough or place sharing in the election for any city or borough which shall return a Member or Members to serve in any future Parliament, shall on or before the last day of July in the present and each succeeding year, make out or cause to be made out according to the Form Number 1. in the Schedule marked (I.) to this Act annexed, an Alphabetical List of all Persons who may be entitled by virtue of this Act to vote in the election of a Member or Members to serve in any future Parliament for such city or borough, in respect of the occupation of premises of the clear yearly value of not less than Ten Pounds, as hereinbefore mentioned, situate wholly or in part within such parish or township; and another Alphabetical List, according to the Form 2. in the said Schedule (I.), of all other Persons (except Freemen) who may be entitled to vote in the election for such city or borough by virtue of any other right whatsoever, and in each of the said Lists the Christian Name and Surname of every Person shall be written at full length, together with the nature of his qualification; and where any Person shall be entitled to vote in respect of any property, then the Name of the Street, Lane, or the description of the place where such property may be situate, shall be specified in the List; and where any Person shall be entitled to vote otherwise than in respect of any property, then the Name of the Street, Lane, or other description of the place of such Person's abode shall be specified in the List; and the Overseer shall sign each of such Lists, and shall cause a sufficient number of Copies of such Lists to be printed, and to be fixed on or near the Door of all the Churches and Chapels in their several parishes and townships; or if there be no Church or Chapel therein, then to be fixed up in some public and conspicuous situation within the same respectively, on the Two Sundays next after such Lists shall have been made; and the said Overseers shall likewise keep true Copies of such Lists, to be perused by any Person, without payment of any fee, at all reasonable hours during the Two first Weeks after such Lists shall have been made :"

s. 46. And whereas it is by the said recited Act further enacted, "That the Town Clerk of every city or borough shall on or before the last day of July in the present and in each succeeding year, make out or cause to be made out, according to the Form numbered 3. in the said Schedule

Schedule (I.), an Alphabetical List of all the Freemen of such city or borough, who may be entitled to vote in the election of a Member or Members to serve in any future Parliament for such city or borough, together with the respective places of their abode; and the Town Clerk of every place sharing in the election for any city or borough, shall at the respective times aforesaid, make out or cause to be made out a like List of all the Freemen of such place, who may be entitled to vote in the election of a Member or Members to serve in any future Parliament for such city or borough; and every such Town Clerk shall cause a copy of every such List to be fixed on or near the Door of the Town-hall, or in some public and conspicuous situation within such respective city, borough or place as aforesaid, on the Two Sundays next after such List shall have been made, and shall likewise keep a true copy of such List, to be perused by any person without payment of any fee, at all reasonable times during the Two first Weeks after such List shall have been made; provided always, that where there shall be no Town Clerk for such city, borough or place as aforesaid, or where the Town Clerk shall be dead or incapable of acting, all matters by this Act required to be done by and with regard to the Town Clerk, shall be done by and with regard to the Person executing duties similar to those of the Town Clerk, and if there be no such Person, then by and with regard to the Chief Civil Officer of such city, borough or place:"

And whereas by the said recited Act it is further enacted, "That for the purpose of defraying the expenses to be incurred by the Overseers of the Poor and by the Clerk of the Peace in carrying into effect the several provisions of this Act, so far as relates to the Electors for any county, or for any riding, parts or division of a county, every Person upon giving notice of his claim as such Elector to the Overseers as hereinbefore mentioned, shall pay or cause to be paid to the said Overseer the sum of One Shilling; and such notice of claim shall not be deemed valid until such sum shall have been paid; and the Overseers of each parish or township shall add all monies so received by them to the money collected or to be collected for the relief of the Poor in such parish or township; and such monies so added shall be applicable to the same purposes as monies collected for the relief of the Poor; and that for the purpose of defraying the expenses to be incurred by the Returning Officer of every city and borough, and by the Overseers of the several parishes and townships in every city and borough and place sharing in the election therewith, in carrying into effect the provisions of this Act, so far as relates to the Electors for such city or borough, every such Elector whose name shall be upon the Register of Voters for such city or borough for the time being shall be liable to the payment of One Shilling annually; which sum shall be levied and collected from each Elector in addition to and s. 56.

as part of the money payable by him as his contribution to the rate for the relief of the Poor; and such sum shall be applicable to the same purposes as money collected for the relief of the Poor; and that the expenses incurred by the Overseers of any parish or township in making out, printing and publishing the several Lists and Notices directed by this Act, and all other expenses incurred by them in carrying into effect the provisions of this Act shall be defrayed out of the money collected or to be collected for the relief of the Poor in such parish or township; and that all expenses incurred by the Returning Officer of any city or borough in causing the Lists of the Electors for such city or borough to be copied out and made into a Register, and in causing copies of such Register to be written or printed, shall be defrayed by the Overseers of the Poor of the several parishes and townships within such city or borough or place sharing in the election therewith, out of the money collected or to be collected for the relief of the Poor in such parishes and townships, in proportion to the number of persons placed on the Register of Voters for each parish or township; and that all expenses incurred by the Clerk of the Peace of any county, riding or parts, in causing the Lists of the Electors for such county, riding or parts, or for any division of such county, to be copied out and made into a Register, and in causing copies of such Register to be written or printed, and in otherwise carrying into effect the provisions of this Act, shall be defrayed by the Treasurer of such county, riding or parts, out of any public money in his hands; and he shall be allowed all such payments in his accounts:" And it is by the said recited Act provided, "That no expenses incurred by any Clerk of the Peace under this Act shall be so defrayed unless the account shall be laid before the Justices of the Peace at the next Quarter Sessions after such expenses shall have been incurred, and allowed by the court:"

s. 55. And whereas by the said recited Act it is further enacted, "That the Overseers of every parish and township shall cause to be written or printed, Copies of the Lists so by them to be made in the present and in every succeeding year, and shall deliver such Copies to all Persons applying for the same, on payment of a reasonable price for each Copy; and the Monies arising from the sale thereof shall be accounted for by the said Overseers, and applied to the same purposes as monies collected for the relief of the Poor; and the Clerks of the Peace shall cause to be written or printed, Copies of the Registers of the Electors for their respective counties, ridings or parts, or for the divisions of their respective counties; and the Returning Officer of every city or borough shall cause to be written or printed, Copies of the Register of the Electors for such city or borough; and every such Clerk of the Peace, and every such Returning Officer, shall deliver such respective Copies to all Persons applying for the same,

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on payment of a reasonable price for each Copy; and the Monies arising from the sale of all such Copies shall be accounted for to the Treasurer of the counties, ridings or parts:"

And whereas by the said recited Act it is further enacted, "That the Lists of Voters for each county, or for the riding, parts or division of each county, so signed as aforesaid by any such Barrister, shall be forthwith transmitted by him to the Clerk of the Peace of the county, riding or parts for which such Barrister shall have been appointed:"

And whereas it is expedient that the said hereinbefore recited Enactments and Provisions should be repealed, and other Enactments and Provisions made in lieu thereof;

Be it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT so much of the said Act as is hereinbefore recited, shall be and the same is hereby Repealed.

1. Recited Enactments repealed.

And be it further Enacted, That the Clerks of the Peace in every county, riding or division of a county in England and Wales, shall cause a sufficient number of Warrants, Precepts, Notices and Lists to be printed, according to the Forms set forth in the Schedule hereunto annexed, at the expense of the county, riding or division; and shall also, within the *First* Week in *June* in every year, issue and cause to be delivered his Warrant, in the Form set forth in the Schedule hereunto annexed, to the High Constable of each Hundred or other like district, by which he shall direct them to issue forth and cause to be delivered their precepts to the Overseers of the Poor of the several parishes and townships within their respective Constablewicks, according to the Form set forth in the Schedule to this Act annexed; and every such Clerk of the Peace shall also cause to be delivered to the said High Constable, with every Warrant, a competent number of such Precepts and Notices and Lists, for the use of the respective persons by whom such Precepts are to be issued; such Notices to be given, and such Lists to be made, and also a competent number of Copies of such part of the Register of the counties, riding or division for the current year, as relates to their respective Constablewicks, for the use of the Overseers of the several parishes and townships within the same.

2. Clerk of the Peace to have Warrants, &c. printed.

Clerk of the Peace to issue his Warrant to High Constables.

Clerk of Peace to send Precepts, &c. to High Constables.

Clerk of Peace to send Copies of part of the Register.

And be it further Enacted, That within ..... days after the receipt of such Warrant of the Clerk of the Peace, every High Constable shall issue and cause to be delivered to the Overseers of the Poor of the several parishes and townships within his Constablewick, his Precept, according to the Form marked in the Schedule hereunto annexed,

3. High Constables to issue Precept to Overseers, and to deliver Forms.

annexed, together with a competent number of the printed Forms of Notices and Lists, and of such part of the Register as relates to each parish and township.

4. Overseers to give Notice, requiring County Voters to send in their Claims.

Notice to be affixed on Churches and Chapels.

And be it further Enacted, That the Overseers of every parish and township within the meaning of this Act, shall, on or before the *Twentieth* day of *June* then next ensuing, cause to be fixed on or near the Doors of all the Churches and Chapels within such parish or township, or if there be no Church or Chapel therein, then to be fixed in some public and conspicuous situation within the same respectively, a Notice, according to the said Form numbered in the Schedule to this Act annexed, having first signed the same, requiring all Persons who shall not be upon the Register of Persons entitled to vote in the Election of a Knight or Knights of the Shire to serve in any future Parliament, in respect of any property situate wholly or in part in such parish or township, and who shall claim to be inserted therein, to deliver or transmit to the said Overseer, on or before the *Twentieth* day of *July* then next ensuing, a Notice of their Claim as such Voters, according to the Form Number in the Schedule to this Act annexed, or to the like effect.

5. Overseers to prepare Lists of County Voters, and publish them.

And be it further Enacted, That the said Overseers shall, within *Seven* Days after the *Twentieth* day of *July*, make an Alphabetical List of all Persons who shall claim as aforesaid to be inserted in such List as Voters in the election of a Knight or Knights of the Shire to serve for the county or for the riding, parts or division of a county wherein such parish or township lies, in respect of any lands or tenements situate wholly or in part within such parish or township; and shall also, in every List so to be made as aforesaid, write or cause to be written the Christian Name and Surname at full length, together with the place of his abode, the nature of his qualification, and the local and other description of such lands, and the Name of the occupying Tenant, if stated in such claim, in the proper columns of the Form of Lists set forth in the Schedule hereunto annexed, and which shall have been sent to them as aforesaid; and that they the said Overseers shall also, after the making of such Lists, sign the same, and cause them to be fixed up on the *Two* Sundays next after such Lists shall have been made, at such places as is hereinbefore directed with respect to the Notices of Claim hereinbefore mentioned; and also such part of the Register of the current year as shall relate to their parish or township; and if they shall have reasonable cause to believe that any Person so claiming as aforesaid, or whose name shall appear in the Register for the time being, is not entitled to vote in the election of the Knight or Knights of the Shire for the county, or for the riding, parts or division of the county in which their parish or township is situate, they shall add the words "objected to" opposite the name of every such Person,

Lists to be made in proper Columns of Forms.

Overseers to have power of objecting.

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on the margin of such List or part of the Register; and also write the word "dead" against the name of any person in such Register who shall have died; and shall also keep a true Copy of such List and of such part of the Register, to be perused by any person, without payment of any fee, at all reasonable hours, during the first *Two* Weeks after such List shall have been made; and they the said Overseers shall also, on the *Twenty-ninth* day of *August*, transmit to the High Constable the List of Voters so made out as aforesaid, and also the original Notices of Persons claiming to be inserted in such List, and also the original Notices of Objection to the Name of any person which shall have been inserted by them in such List, and which shall have been served upon them; and also the part of the Register for the current year relating to such parish or township; and also comply with all the directions in the said Precept contained.

Overseers to keep Copies of Lists for inspection.

Lists to be sent to High Constable, and original Notices of Claim and Objections, and the part of Register.

6.

And be it further Enacted, That every Person who shall be upon the Register of Voters for the time being for any county, or for any riding, parts or division of a county, or for any city or borough, or who shall have claimed to be inserted in any List of such Voters for the then current year, may object to any Person as not having been entitled on the last day of *July* then next preceding, to have his name inserted or retained in any List of Voters for such county, riding, division or part of a county, or for any such city or borough respectively; and every Person so objecting (save and except Overseers objecting in the manner hereinbefore mentioned,) shall, on or before the *Twenty-fifth* day of *August* in every year, give or cause to be given a Notice according to the Form numbered in the said Schedule, or to the like effect, to the Overseer of such parish or township to which such List shall relate; and every Person, whether Overseer or not, shall, on or before the *Twenty-fifth* day of *August* in every year, give or cause to be given to the Person objected to, or leave at his place of abode as described in such List, if resident in the parish or township for which such List shall be made, a notice in writing according to the Form numbered in the Schedule hereunto annexed, or to the like effect: Provided always, That wherever the Person objected to as not being entitled to have his name inserted or retained in any List of Voters for any county, riding, division or part of a county, or any city or borough, shall not reside in the parish or township for which such List shall be made, it shall be sufficient if the Notice hereinbefore required to be given to him shall be sent by Post directed to him at his place of abode as described in such List.

Notice of Objection by third Parties to Persons not entitled to be retained in the County Lists.

Such Objection to be on the Register or Claimant;

and by Overseers and third Parties to Party objected to.

And must be given before Twenty-fifth of August to Overseers.

Where party objected to non-resident, Notice may be sent by Post.

7.

And be it further Enacted, That on the *Twenty-ninth* day of *August* in every year the Overseers of every parish or township shall transmit the Lists of Claimants so made out as aforesaid, and also the original Notices of Persons claiming to be inserted in such List, and also the

On Twenty-ninth August Overseers to transmit Lists to High Constables.

And the original Notices of Claims and Objection.

original Notices of Objection to the Name of any Person which shall have been inserted therein, and also so much of the said Register so sent to them by the High Constable of the Hundred or other like district relating to such parish or township: Provided always, That

Persons on the Register not required to make any subsequent Claim.

after the formation of the Register to be made in each year as hereinafter mentioned, no Person whose Name shall be upon such Register for the time being shall be required thereafter to make any such claim as aforesaid, so long as he shall retain the same qualification and continue in the same place of abode described in such Register: And

Proviso as to places having no Overseers.

provided also, That every precinct or place, whether extra-parochial or otherwise, which shall have no Overseers of the Poor, shall, for the purpose of making out such List as aforesaid, be deemed to be within the parish or township adjoining thereto, such parish or township being situate within the same county, or the same riding, parts or division of a county, as such precinct or place; and if such parish or place shall adjoin two or more parishes or townships, so situate as aforesaid, it shall be deemed to be within the least populous of such parishes or townships according to the last Census for the time being; and the Overseers of the Poor of every such parish or township shall insert in the List for their respective parish or township the Names of all Persons who shall claim as aforesaid to be inserted therein as Voters in the election of a Knight or Knights of the Shire to serve for the county, or for the riding, parts or division of the county in which such precinct or place as aforesaid lies, in respect of any lands or tenements situate wholly or in part within such precinct or place.

8.

Revising Barrister to notify his appointment to the Clerk of the Peace;

And be it further Enacted, That every Barrister who shall hereafter be appointed to revise the Lists of Voters in the election of a Knight or Knights of the Shire in any county, riding, part or division of a county, shall immediately upon his appointment notify the same to

and Clerk of the Peace to High Constable;

the Clerk of the Peace of such county, riding, part or division of a county, who shall forthwith notify the same to the High Constable of each Hundred or other like district; and such High Constable

who is to make out an Abstract of Persons objected to;

shall make out an Abstract of the number of Persons objected to by the Overseers and by other Persons in each parish and township, and of the ground of objection stated in the Notice, and also an Abstract of the Notices of Persons claiming to be inserted in the said Lists,

and transmit same to Clerk of the Peace, and he to Revising Barrister.

and shall transmit the same to the Clerk of the Peace, who shall forthwith transmit the same to the Senior Barrister, where more than one shall be appointed, in order that the said Barrister or Barristers may fix proper times and places for holding his or their Courts for the revision of the said Lists.

9.

Revising Barrister to give notice to Clerk of the Peace of the times

And be it further Enacted, That every such Barrister shall, [illegible] days at least before he shall begin to hold the Courts for the revision of the Lists of Voters, give notice to the Clerk of the Peace of the several

several times and places at which he will hold the said Courts, such times being between the *Fifteenth* day of *September* inclusive and the *Twenty-fifth* day of *October* inclusive; and he shall hold open Courts for that purpose at the times and places so to be announced; and upon receipt of such Notice, the Clerk of the Peace shall forthwith cause Notice to be given to the High Constable or High Constables of each Hundred or other like district, who shall forthwith cause Notice of the times and places fixed for holding the said Courts, to be given to the Overseers of the several parishes and townships within his or their Constablewicks, and requiring the said Overseers or one Overseer of each parish or township to attend the said Courts; and the said High Constables shall also forthwith, upon receipt of such Notice, cause a Notice to be fixed in some public and conspicuous situation, at each place appointed for holding the said Courts.

and places for holding Courts.

Clerk of the Peace to give notice to the High Constables.

10.

And be it further Enacted, That the High Constable of each Hundred or other like district shall and he is hereby required to attend the Courts appointed by the Barrister or Barristers for revising the Lists of Voters within such Hundred or other like district, and to produce at the said Courts the Lists of Voters, and also the original Notices of Persons claiming to be inserted in such Lists, and also the original Notices of objection to the names of Persons inserted in such Lists, and also the parts of the Register for the current year, which shall respectively have been transmitted to him by the said Overseers as hereinbefore directed; and shall also, after the said Lists of Voters shall have been revised by the said Barristers, receive the same, and cause the same to be delivered within *Seven* Days to the Clerk of the Peace of the county, riding or division of a county: Provided always, That where in any Hundred or other like district there shall be more than one High Constable, in case the Clerk of the Peace shall issue and cause to be delivered his Warrant, together with a competent number of the Precepts, Notices, Lists and parts of the Registers as aforesaid, to every one of such High Constables, each of them shall be individually liable for the due performance of the several matters commanded in such Warrant throughout the whole of such Hundred or other like district, and shall for the non-performance thereof be subject to all and every the penalties by this Act imposed upon any High Constable.

High Constables to attend Courts for the revision of Voters.

High Constables to receive Lists.

Where several High Constables, each responsible throughout the whole Hundred.

11.

And be it further Enacted, That the Overseers or one of them of every parish and township who shall have made out the Lists of Voters shall attend the Courts to be held by the Barrister or Barristers for revising the Lists of Voters relating to such parish or township respectively; and the said Overseer or Overseers shall answer upon

Overseers to attend Courts.

oath all such questions as such Barrister may put to them or any of them touching any matter necessary for revising the Lists of Voters.

12. Ground of Objection to be stated in Notice;

And be it further Enacted, That in all cases where any Person shall object to any other Person as not having been entitled on the last day of *July* then next preceding to have his name inserted in any List of Voters for any county, riding, division or part of a county, or for any city or borough, every such Person so objecting shall state in his Notice the ground of his objection; and the Barrister or Barristers before whom such objection shall be heard shall not examine or inquire into any other ground of objection than such as is stated in the Notice.

and no other ground of objection to be inquired into.

13. Where Person objected to appears, Service of Notice of Objection not to be required.

And be it further Enacted, That wherever any Person objected to shall appear by himself, or by some one on his behalf, before the Barrister or Barristers at the Court to be held for revising the List of Voters in which such Person objected to shall be inserted, such appearance shall, without further proof, be deemed conclusive evidence that the Notices hereinbefore directed were served on the Person objected to, and upon the said Overseers.

14. Qualification not to be questioned when before objected to, and objection disallowed.

And be it further Enacted, That where any Person objected to shall prove to the satisfaction of the Barrister or Barristers before whom any objection shall be called on to be heard, that the qualification in respect of which such Person claims to vote has been before objected to, and the objection disallowed, such qualification shall not again be questioned, nor any further objection to it be allowed or heard, unless the decision of any Revising Barrister disallowing such objection shall have been overruled by any Committee of the House of Commons: Provided always, That nothing herein contained shall extend to prevent any party objecting from showing that the Person objected to has lost such qualification.

15. Objector to prove first a primâ facie case in support of objection.

And be it further Enacted, That in all cases (except as hereinafter mentioned) the Party objecting to the Name of any Person being inserted in any List of Voters for any county, riding, parts or division of a county, or for any city or borough, shall, when the objection is heard by the Barrister or Barristers revising such List, be called upon in the first instance to prove a primâ facie case in support of such objection; and where the Party objecting shall not appear in support of his objection, nor any Person on his behalf, or where a primâ facie case shall not be made out in support of such objection, the Person objected to shall not be called upon to prove that he was entitled to have his Name inserted or retained in such List, but the Name of such Person objected to shall be retained in such List as if no objection had been

Where Objector does not appear, the party objected to not to be called upon to prove his qualification, nor where primâ facie case not proved.

been made: Provided always, That where the Party objecting shall prove to the satisfaction of the Barrister or Barristers revising such List that the Person objected to has been before objected to, and the objection allowed, in every such last-mentioned case (unless such decision of the Revising Barrister allowing such objection shall have been overruled by a Committee of the House of Commons) the Person objected to shall be called upon in the first instance to prove that he was entitled on the last day of *July* to have his Name inserted in such List in respect of the qualification therein described; and unless the Person objected to shall prove that he is so entitled, his name shall be expunged from such List.

Where qualification before objected to, and objection allowed, the Party objected to first to prove his qualification.

16. And be it further Enacted, That every such Barrister shall retain on the Lists of Voters the Names of all Persons to whom no objection shall have been made by the Overseers or by any other Person in manner hereinbefore mentioned; and he shall also retain on such Lists the Name of any Person inserted in such List of Voters who shall have been objected to by the Overseers or by any other Person in the manner hereinbefore mentioned, unless such Person so objecting shall appear by himself, or some one on his behalf, and shall prove in the first instance, to the satisfaction of such Barrister, a primâ facie case in support of such objection; and he shall also retain on such Lists the Name of any Person objected to who shall prove to his satisfaction that the qualification in respect of which such Person claims to vote has been before objected to, and the objection disallowed, and that he is still possessed of the same qualification, unless the decision of the Revising Barrister disallowing such objection shall have been overruled by any Committee of the House of Commons; and where the Name of any Person inserted in the List of Voters shall have been objected to in manner hereinbefore directed, and the Person objecting shall have proved in the first instance, to the satisfaction of such Barrister, a primâ facie case in support of such objection, every such Barrister shall then require the Person objected to, to prove that he was entitled, on the last day of *July* then next preceding, to have his Name inserted or retained in the List of Voters in respect of the qualification described in such List; and in case the same shall not be proved to the satisfaction of such Barrister, or in case it shall be proved that such Person was then incapacitated by any law or statute from voting in the election of Members to serve in Parliament, such Barrister shall expunge the Name of every such Person from the said Lists; and he shall also expunge from the said Lists the Name of every Person who shall be proved to him to be dead, and shall correct any mistake which shall be proved to him to have been made in any of the said Lists as to any of the particulars by this Act required to be inserted in such Lists; and where the Christian Name of any Person, or his place of abode, or the nature of his qualification, or the local or other description of his

Names to be retained when no objection;

or when the Objector does not appear.

Unless Objector prove primâ facie case of objection, name to be retained.

And when Party objected to proves that qualification was before objected to, and objection disallowed.

Where Objector has proved primâ facie case in support of objection, then Person objected to, to prove his qualification.

If qualification not then proved, or if incapacitation proved, same to be expunged.

Names of Persons dead to be expunged.

Power to rectify mistakes and supply omissions in the Lists.

property, or the Name of the Tenant in the occupation thereof, as the same are respectively required to be inserted in any such List, shall be wholly omitted therefrom, such Barrister shall expunge the Name of every such Person from such List, unless the matter or matters so omitted be supplied to the satisfaction of such Barrister before he shall have completed the revision of such List, in which case he shall then and there insert the same in such List: Provided always, That no Person's Name shall be expunged from any such List except in case of his death, or except in case of any such omission or omissions, as hereinbefore last mentioned, unless such Notice as is hereinbefore required in that behalf shall have been given to such Person, or left at his place of abode, or in case of his not residing in the parish or township for which such List shall be made, sent by Post, as hereinbefore mentioned: Provided also, That if it shall happen that any Person who shall have given to the Overseers of any parish or township due notice of his claim to have his Name inserted in the List of Persons entitled to vote in the election of a Knight or Knights of the Shire, shall have been omitted by such Overseers from such List, it shall be lawful for the Barrister, upon the revision of such List, to insert therein the Name of the Person so omitted, in case it shall be proved to the satisfaction of such Barrister that such Person gave due notice of his claim to the said Overseers, and that he was entitled on the last day of *July* then next preceding to be inserted in the List of Persons entitled to vote in the election of a Knight or Knights of the Shire for the county, or for the riding, parts or division of the county wherein the parish or township of such Overseers may be situate, in respect of any lands or tenements situate within such parish or township.

Proviso

Barrister to have power to insert in the County Lists the Names of Claimants omitted by the Overseers, on proof of qualification.

Claim to be in respect of Lands and Tenements within the Parish.

17. Where Objector does not appear, or where Objection made without probable cause, Costs to be allowed.

And be it further Enacted, That wherever any such Person so objecting as aforesaid to the Name of any Person being inserted in any such Lists of Voters, shall not appear by himself, or by some one on his behalf, in support of such objection before the Barrister appointed to revise such List, or wherever it shall appear to such Barrister that any Person so objecting has made such objection without probable cause, in every such case the said Barrister shall and he is hereby directed and empowered to give to the Party so objected to an Order or Certificate in writing directing the Party making such objection to pay to such Person so objected to his full Costs (to be specified in such Order or Certificate) to which he shall have been put by reason of such objection; and wherever any Person shall have sent in a claim to be inserted in any such List of Voters, and such claim shall have been objected to in manner hereinafter mentioned, and it shall appear to the Barrister appointed to revise such List that such claim was sent in without probable cause, in every such case the said Barrister shall and he is hereby directed and empowered to give to the Party so objecting

Where Claim made without probable cause, Costs to be allowed to the Party objecting.

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an Order or Certificate in writing directing the Party so objected to, to pay to such Person so making such objection his full Costs (to be specified in such Order or Certificate) to which he shall have been put in support of such objection; and in case the Person by any such Order or Certificate directed to pay such Costs shall not pay the same to the Person entitled thereto under the said Order or Certificate, then and in every such case all and every or any one of the Justices of the Peace in and for the county, riding, parts or division of a county, city, borough or place for which such objection shall have been made, are and is hereby empowered and required, upon complaint to them or him made, and due proof that the said Order or Certificate hath been served on the Party directed to pay such Costs, either by personal delivery to him, or leaving the same at his usual place of abode, to cause the Sum in the said Order or Certificate mentioned to be levied by Distress and Sale of the Party's Goods and Chattels, together with the expenses of such levy, by warrant under his hand and seal, or their hands and seals; the overplus (if any) to be rendered by the Party making the levy to the Owner of the Goods and Chattels on request.

Mode of recovering Costs.

Power of Distress.

18.

AND for the more easy and speedy enforcing of payment of such Costs as aforesaid; BE it further Enacted, That every such Revising Barrister by whom any such Order or Certificate shall be given in favour of any Party so objected to as aforesaid, shall and may draw up the same according to the following Form, or to the like effect; (that is to say)

"I, A. B. being the Barrister [or, one of the Barristers] appointed to revise the Lists of Voters for the of do hereby certify, That C. D. of has without any probable cause for so doing objected to the Name of E. F. of being inserted in the said Lists: And I do hereby award to the said E. F. the sum of for the full Costs to which he has been put by reason of such objection; and I do direct the same to be paid to the said E. F. by the said C. D.

Form of Certificate, when Objection made without probable cause.

"Given under my hand, this day of at

"A. B."

And every such Revising Barrister by whom any such Order or Certificate shall be given in favour of any Party making any such objection as aforesaid shall and may draw up the same according to the following Form, or to the like effect; (that is to say)

"I, A. B. of being the Barrister [or, one of the Barristers] appointed to revise the Lists of Voters for the of do hereby certify, That C. D.

Form of Certificate, when Claim made without probable cause.

C. D. of has without any probable cause for so doing, sent in a Claim to be inserted in the said Lists, and that such Claim has been duly objected to by E. F. of And I do hereby award to the said E. F. the sum of for the full Costs to which he has been put in support of his objection to the said Claim; and I do direct the same to be paid to the said E. F. by the said C. D.

"Given under my hand, this day of at

"A. B."

And every such Justice or Justices by whom any such Warrant as aforesaid shall be made, shall and may draw up the same according to the Form following, or to the like effect; (that is to say)

"To the Constable of

Form of Warrant.

"WHEREAS it hath been made to appear to me, I. S., one of [or, to us, I. S. and X. Y., two of] His Majesty's Justices of the Peace for that A. B., Esquire, the Barrister [or, one of the Barristers] appointed to revise the Lists of Voters for the of hath given an Order or Certificate for Costs to E. F. of under the provisions of an Act of Parliament passed in the year of the reign of His present Majesty King William the Fourth, intituled, 'An Act,' et cætera, by which said Order or Certificate C. D. of was directed to pay to the said E. F. the sum of Pounds for such full Costs as therein mentioned; and it hath been further made to appear to me, [or, to us, as the case may be,] that a Copy of the said Order or Certificate hath been served on the said C. D. according to the provisions of the said Act of Parliament; but that the said sum of Money still remains unpaid: These are therefore to command you forthwith to levy the said sum of Pounds, together with the reasonable Costs of such levy, by distress and sale of the Goods and Chattels of the said C. D., rendering the overplus (if any) to the said C. D. on request. And you are hereby commanded to certify to me [or, to us] what you shall do by virtue of this Warrant.

"Given under my hand and seal, [or, our hands and seals,] at the day of

No Certiorari allowed.

And no Certiorari or other Writ or Process for the removal of any such Order or Certificate, or Warrant, or any proceedings thereon, into any of His Majesty's Courts of Record at Westminster, shall be allowed or granted.

And

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19. Clerk of the Peace to issue his Warrant to Returning Officers of Boroughs;

And be it further Enacted, That the Clerk of the Peace in any county, riding and division in England and Wales, shall cause a sufficient number of Warrants hereinafter mentioned to be printed, and shall within the *First* Week of *June* in every year, issue and cause to be delivered his Warrant, in the Form set forth in the Schedule hereunto annexed, to the Returning Officers of the several cities and boroughs within such county, riding or division entitled to return Members to serve in Parliament, by which he shall direct them to issue forth and cause to be delivered their Precepts to the Overseers of every parish and township situate wholly or in part within any such city or borough, or place sharing in the election of any such city or borough; and also to the said Town Clerk of each respective city or borough, according to the Form, Number . set forth in the Schedule to this Act annexed; and every such Clerk of the Peace shall also send to such Returning Officers a competent number of Copies of such part of the Register as shall relate to the several parishes and townships within such cities and boroughs for the use of the several Overseers within the same.

and also to Town Clerks.

Clerk of the Peace to send Copies of parts of the Register to Returning Officers in Boroughs.

20. Returning Officers to have Precepts, &c. printed.

And be it further Enacted, That the Returning Officer of every such city or borough shall cause a sufficient number of Precepts, Lists and Notices to be printed, according to the several Forms set forth in the Schedule hereunto annexed, at the expense of the several parishes and townships within such respective city or borough, and shall cause to be delivered with every such Precept a competent number of Lists and Notices for the use of the respective Persons by whom such Lists are to be made and such Notices to be given.

Forms to be delivered with Precepts.

21. Returning Officer to issue Precepts to Overseers.

And be it further Enacted, That within , Days after the receipt of such Warrant of the Clerk of the Peace, every Returning Officer shall issue and cause to be delivered his Precept to the Overseers of every parish or township situate wholly or in part within any such city or borough, or place sharing in the election of any such city or borough as aforesaid, together with a competent number of the printed Forms of Lists and Notices, and of such part of the Register as relates to each parish or township, according to the several Forms marked . in the Schedule hereunto annexed.

And printed Forms.

22. Overseers to cause List to be fixed on Church doors or other places.

And be it further Enacted, That the Overseers of every such parish and township shall on or before the *Twentieth* day of *June* in each year cause to be fixed on or near the doors of all the Churches and Chapels within such parish or township, or if there be no Church or Chapel therein, then to be fixed in some public and conspicuous situation within the same respectively, an Alphabetical List of all Persons who shall be rated to the relief of the poor in such parish or township, and who shall be otherwise entitled to be inserted or retained in the List of Voters in

the election of Members to serve in Parliament for such city or borough, and who shall not have paid all the rates and assessed taxes which shall have become payable from them for the last *Twelve* calendar Months previously to the *Sixth* day of *April* then next preceding, in respect of the premises for which they are so entitled as aforesaid.

Overseers in Boroughs to make out Lists.

23. And be it further Enacted, That the Overseers of every such parish and township shall, upon the receipt of such Precept on or before the *Thirty-first* day of *July* make out or cause to be made out, according to the Form mentioned in the Schedule to this Act annexed, an Alphabetical List of all Persons who may be entitled to vote in the election of a Member or Members to serve in any future Parliament for such city or borough in respect of the occupation of premises of the clear yearly value of not less than *Ten* Pounds, situate wholly or in part within such parish or township, and another Alphabetical List annexed to the Form numbered . . in the Schedule, of all other Persons (except Freemen) who may be entitled to vote in the election for such city or borough, by virtue of any other right whatsoever; and in each of the said Lists shall write or cause to be written the Christian Name and Surname of every such Person at full length, together with the nature of his qualification; and where any Person shall be entitled to vote in respect of any property, then to specify the Name of the Street, Lane or other description of the place where such property may be situate; and where any Person shall be entitled to vote otherwise than in respect of any property, then the Name of the Street, Lane or other description of the place of abode of such Person shall be specified in the proper columns of the Forms of Lists set forth in the Schedule hereunto annexed, and which shall have been sent to them as aforesaid; and that they, the said Overseers, shall also forthwith, after the making of such Lists, sign the same, and cause a sufficient number of copies of such Lists to be printed, and to be fixed, together with such part of the Register of the current year as shall relate to their parish or township as shall be sent to them as aforesaid, on or near the doors of all the Churches and Chapels in their several parishes and townships; or if there be no Church or Chapel therein, then to cause the same to be fixed up in some public and conspicuous situation within the same respectively on the two Sundays next after such Lists shall have been made out; and the said Overseers shall likewise keep true copies of such Lists, to be perused by any Person, without payment of any fee, at all reasonable hours during the first *Two* Weeks after such Lists shall have been made; and that they, the said Overseers, shall also, on the *Twenty-ninth* day of *August*, transmit to the Returning Officer of every such city or borough the List of Voters so made out as aforesaid, and also the original Notices of Persons claiming to be inserted in such List, and also the original Notices of objection to the Name

Lists to be fixed up.

On Twenty-ninth August Overseers to transmit Lists and Notices to Returning Officer.

of

of any Person which shall have been inserted by them in such List, and which shall have been served upon them; and also the original Notices of objection to the Name of any Person who shall have been inserted in the List of Freemen as hereinafter mentioned; and also the part of the Register for the current year relating to such parish or township; and also comply with the directions contained in the said Precept.

24. Returning Officer to issue Precept to Town Clerks.

And be it further Enacted, That within days after the receipt of such Warrant of the Clerk of the Peace, the Returning Officer of every such city or borough as aforesaid shall issue and cause to be delivered his Precept to the Town Clerk of such city or borough, and also to the Town Clerk of every place sharing in the election for any such city or borough, according to the Form mentioned in the Schedule hereunto annexed.

25. Freemen to send in Notices of Claim.

And be it further Enacted, That the said Town Clerk shall, upon receipt of such Precept, forthwith cause to be fixed on or near the door of the Town-hall, or in some public and conspicuous situation within such respective city, borough or place as aforesaid, a Notice according to the Form mentioned in the Schedule to this Act annexed, requiring all Freemen who shall not be upon the Register of Persons entitled to vote in the election of a Member to serve in any future Parliament, and who shall claim to be inserted therein, to deliver or transmit to the said Town Clerk, on or before the *Twentieth* day of *July* then next ensuing, a Notice of their claim as such freemen, according to the Form numbered in the Schedule to this Act annexed, or to the like effect; and that the said Town Clerk shall also, after the receipt of such Notices of claim, make an Alphabetical List of all Freemen who shall claim as aforesaid, and with the Christian Name and Surname at full length, together with the place of abode and other description mentioned in such claim, and further make out or cause to be made out, according to the Form, Number . in the Schedule, an Alphabetical List of all the Freemen of such city, borough or place, who shall be upon the Register for the current year, together with the place of abode and other description mentioned in such Register; and shall also cause a copy of such List to be fixed on or near the door of the Town-hall, or in some public and conspicuous situation within such respective city, borough or place as aforesaid, on the *Two* Sundays next after such List shall have been made; and further keep a true copy of such List, to be perused by any Person without payment of any fee, at all reasonable hours, during the first *Two* Weeks after such List shall have been made; and on the *Twenty-ninth* day of *August* transmit to the Returning Officer of every such city or borough the said List of Freemen, who shall claim as aforesaid, and also their original Notices of Claim, and also the said List of Freemen already

Town Clerk to make out List of Freemen,

and to fix the same up;

and keep for perusal;

and on the 29th August transmit them to Returning Officer.

Proviso where no Town Clerk.

upon the Register: Provided always, That where there shall be no Town Clerk for such city, borough or place as aforesaid, or where the Town Clerk shall be dead or incapable of acting, all matters by this Act required to be done by and with regard to the Town Clerk shall be done by and with regard to the Person executing duties similar to those of the Town Clerk; and if there be no such Person, then by and with regard to the chief Civil Officer of such city, borough or place.

26. Revising Barristers in Boroughs to notify Appointment to Clerk of the Peace;

and the Clerk of the Peace to the Returning Officer; who is to make out an Abstract of Persons objected to; and transmit the same to the Clerk of the Peace, and he to the Revising Barrister.

And be it further Enacted, That every Barrister who shall hereafter be appointed to revise the Lists of Voters in any city or borough shall immediately upon his appointment notify the same to the Clerk of the Peace of the county, riding, part or division in which such city or borough shall be situated, who shall forthwith notify the same to the Returning Officer of every such city or borough; and such Returning Officer shall make out an Abstract of the number of Persons objected to, and of the grounds of objection stated in the Notices, and also of the number of Persons claiming to be inserted in such Lists, and shall transmit the same to the Clerk of the Peace, who shall forthwith transmit the same to the Senior Barrister, where more than one shall be appointed, in order that the said Barrister or Barristers may fix proper times for the holding his or their Courts for the revision of the Lists of Voters for such city or borough.

27. Returning Officer to produce Lists and Notices.

And be it further Enacted, That the Returning Officer of every city and borough, and the Town Clerk of every city and borough, and every other Person by whom the duties similar to those of Town Clerk are by this Act and the said recited Act directed to be executed, shall and they are hereby respectively required to attend the Courts appointed by the Barrister or Barristers for revising the List of Voters relating to such city or borough respectively; and every such Returning Officer shall produce at the said Courts the List of Voters so made out by the Overseers as aforesaid; and also the original notices of Persons claiming to be inserted in such List, and also the original notices of objection to the name of any Person which shall have been inserted by them in such List, and also the original notices of objection to the name of any Person who shall have been inserted in the List of Freemen, and which shall respectively have been transmitted to him by the said Overseers as hereinbefore directed; and also the said List of Freemen who shall claim to be inserted in the List of Voters for such city or borough, and also their original notice of claim, and also the said List of Freemen already upon the Register.

28. Overseers to cause Copies of Lists to be written or printed.

And be it further Enacted, That the Overseers of every parish and township shall cause to be written or printed Copies of the Lists so by them to be made in the present and in every succeeding year, and shall deliver such Copies to all Persons applying for the same on payment

payment of a reasonable price for each Copy; and the Monies arising from the sale thereof shall be accounted for by the said Overseers, and applied to the same purposes as Monies collected for the relief of the Poor; and the Clerks of the Peace shall cause to be written or printed Copies of the Registers of the Electors for their respective counties, ridings or parts, or for the division of their respective counties; and the Returning Officers of every city or borough shall cause to be written or printed Copies of the Register of the Electors for such city or borough; and every such Clerk of the Peace and every such Returning Officer shall deliver such respective Copies to all Persons applying for the same on payment of a reasonable price for each Copy; and the Monies arising from the sale of all such Copies of the Registers of the Electors for the said counties, ridings, parts or divisions of counties shall be accounted for by every such Clerk of the Peace to the Treasurer of the county, riding, part or division of a county, and the Monies arising from the sale of all such Copies of the Registers of the Electors for every such city or borough shall be accounted for by every such Returning Officer to the Overseers of the several parishes and townships within the same, in proportion to the number of Persons placed on the Register of Voters for each parish or township, and shall be applied by the said Overseers to the same purposes as Monies collected for the relief of the Poor.

Clerks of the Peace to cause Registers to be written or printed.

Returning Officers in Boroughs to cause Registers to be written or printed.

Application of Monies arising from Sale.

29. And be it further Enacted, That the Expenses incurred by the Overseers of any parish or township in making out, printing and publishing the several Lists and Notices directed by this Act, or by the said recited Act, to be done by them, and all other expenses incurred by them in carrying into effect the provisions of this Act and of the said recited Act, shall be defrayed out of the Money collected or to be collected for the relief of the Poor in such parish or township; and that all expenses incurred by the Returning Officer of any city or borough, in causing the Lists of the Electors for such city or borough to be copied and made into a Register, and in causing copies of such Register to be written or printed, shall be defrayed by the Overseers of the Poor of the several parishes and townships within such city or borough, or place sharing in the election therewith, out of the money collected or to be collected for the use of the Poor in such parishes and townships, in proportion to the number of Persons placed on the Register of Voters for each parish or township; and that all Expenses incurred by the Clerk of the Peace of any county, riding or parts in causing the Lists of the Electors for such county, riding or parts, or for any division of such county, to be copied out and made into a Register, and in causing Copies of such Register to be written or printed, and in otherwise carrying into effect the provisions of this Act and of the said recited Act; and that all Expenses incurred by the High Constables within such county, riding, parts or division

29. Expenses incurred by Overseers and Returning Officers in Cities and Boroughs to be paid out of the Poor-rate.

Expenses incurred by Clerk of the Peace and High Constables to be paid by County Treasurer.

of a county, in carrying into effect the provisions of this Act, and of the said recited Act, shall be defrayed by the Treasurer of such county, riding or parts out of any public money in his hands, and he shall be allowed all such payments in his Accounts: Provided always, That no Expenses incurred by any Clerk of the Peace or High Constable under this Act, or the said recited Act, shall be so defrayed unless the Account shall be laid before the Justices of the Peace at the next Quarter Sessions after such expenses shall have been incurred and allowed by the Court; and provided also, That no Expenses incurred by any Overseers of any parish or township under this Act, or the said recited Act, shall be so defrayed, unless the Account shall be laid before the Barrister at the Court held for revising the List of Voters for such parish or township, or some adjournment thereof, and allowed by such Barrister.

Account of Clerk of the Peace to be allowed at first Sessions.

Account of Overseers' Expenses to be laid before the Barrister.

30. 2 Will. 4. c. 45. s. 27. AND whereas in and by the said recited Act it is enacted, "That in every city or borough which shall return a Member or Members to serve in any future Parliament, every male person of full age, and not subject to any legal incapacity, who shall occupy within such city or borough, or within any place sharing in the election of such city or borough, as Owner or Tenant, any house, warehouse, counting-house, shop, or other building, being either separately or jointly with any land within such city, borough or place, occupied therewith by him as Tenant under the same Landlord, of the clear yearly value of not less than Ten Pounds, shall, if duly registered according to the provisions hereinafter contained, be entitled to vote in the election of a Member or Members to serve in any future Parliament for such city or borough:" And it is by the now reciting Act "provided, That no such Person shall be registered in any year unless he shall have occupied such Premises as in the said Act mentioned for Twelve calendar Months next previous to the last day of July in such year, nor unless such Person, where such Premises are situate in any parish or township in which there shall be a rate for the relief of the Poor, shall have been rated in respect of such Premises to all Rates forthe relief of the Poor in such parish or township made during the time of such his occupation so required as aforesaid, nor unless such Person shall have paid on or before the Twentieth day of July in such year all the Poor's Rates and Assessed Taxes which shall have become payable from him in respect of such Premises, previously to the Sixth day of April then next preceding:" And whereas doubts have arisen as to the meaning of the words "or other Building," as used in the said hereinbefore recited part of the said Act; BE it therefore Enacted and Declared, That no Person shall be entitled to vote in the election of a Member or Members to serve in Parliament for any city or borough in respect of the occupation of any Premises, unless such Person shall occupy within such city or borough, or within some place sharing

Meaning of the Words "or other Building."

sharing in the election for such city or borough, as Owner or Tenant, some house, warehouse, counting-house, factory, shop, office, mill, malthouse, granary, distillery, brewery or farm buildings, being either separately or jointly with any land within such city, borough or place occupied therewith by him as Tenant under the same Landlord, of the clear yearly value of not less than *Ten* Pounds, nor unless such house, warehouse, counting-house, factory, shop, office, mill, malthouse, granary, distillery, brewery or farm buildings, occupied jointly with any land, shall be separately of the clear yearly value of not less than *Five* Pounds.

31. As to what Taxes must have been paid, in order to entitle a Person to be registered.

AND whereas doubts have arisen as to what Poor's Rates and Assessed Taxes which shall have become payable must have been paid by any Person who shall have occupied any such Premises as aforesaid during the time of such occupation, in order to entitle such Person to be registered; BE it therefore Enacted and Declared, That every Person shall be so registered in any year who shall have occupied such Premises as aforesaid for *Twelve* calendar Months next previous to the last day of *July* in such year, and who shall, where such Premises are situate in any parish or township in which there shall be a Rate for the relief of the Poor, have been rated in respect of such Premises to all Rates for the relief of the Poor in such parish or township, made during the time of such his occupation so required as aforesaid, and who shall have paid on or before the *Twentieth* day of *July* in every year all the Poor's Rates and Assessed Taxes which shall have become payable from him in respect of such Premises during the space of *Twelve* calendar Months previously to the *Sixth* day of *April* then next preceding.

Rates and Taxes to be paid for Twelve Months.

32. Mode of computing Distances.

AND whereas doubts have arisen as to the proper mode of computing the Distances and number of Miles mentioned in the said hereinbefore recited Act; BE it therefore Enacted, That in all cases in which any Distance or number of Statute Miles are mentioned in the said recited Act, the same shall be computed and ascertained according to the nearest mode of access by a public road or footpath.

Sect. 58.

AND whereas in and by the said recited Act it is further enacted, "That in all elections whatever of Members to serve in any future Parliament, no inquiry shall be permitted at the time of Polling as to the right of any Person to vote, except only as follows; (that is to say) that the Returning Officer, or his respective Deputy, shall, if required on behalf of any Candidate, put to any Voter at the time of his tendering his Vote, and not afterwards, among others the following Question:

"Have you the same Qualification for which your name was originally inserted in the Register of Voters now in force for the

county of, [et cætera, or, for the riding, et cætera, or for the city, et cætera, as the case may be, specifying in each case the particulars of the Qualification as described in the Register."]

And no Elector shall hereafter at any such election be required to take any Oath or Affirmation, except as aforesaid, either in proof of his freehold or of his residence, age or other qualification or right to vote, any law or statute, local or general, to the contrary notwithstanding; and no Person claiming to vote at any such election shall be excluded from voting thereat, except by reason of its appearing to the Returning Officer, or his respective Deputy, upon putting such questions as aforesaid, or any of them, that the Person so claiming to vote is not the same Person whose Name appears on such Register as aforesaid, or that he had previously voted at the Election, or that he has not the same Qualification for which his name was originally inserted in such Register, or except by reason of such Person refusing to take the said Oath or make the said Affirmation, or to take or make the Oath or Affirmation against Bribery, or any other Oath or Affirmation now required by law, and not hereby dispensed with; and no scrutiny shall hereafter be allowed by or before any Returning Officer with regard to any Votes given or tendered at any election of a Member or Members to serve in any future Parliament, any law, statute or usage to the contrary notwithstanding: AND whereas doubts have arisen as to what constitutes the same qualification within the meaning of the herein-before recited Act; BE it therefore Enacted and Declared, That no Person shall be considered as having the same Qualification for which his Name was originally inserted in the Register of Voters within the meaning of the said last-recited Enactments, unless such Person at the time of putting the said question shall retain a sufficient Interest to qualify him to vote in such and the same Premises for which his Name was originally inserted in the Register of Voters.

Voter must occupy or be possessed of the same Premises for which he was registered.

34. Freeholders in New Shoreham, Cricklade, Aylesbury, and East Retford not to be assessed to the Land Tax.

AND whereas doubts have arisen whether, in order to entitle any Person to vote for the borough of New Shoreham, or of Cricklade, Aylesbury, or East Retford respectively, in respect of any freehold messuages, lands or tenements therein situate, it is necessary that the same should be assessed to the Land Tax; BE it therefore Declared and Enacted, That in order to entitle any Person to vote in any election of a Member to serve in any future Parliament in respect of any freehold messuages, lands or tenements situate within the boroughs of New Shoreham, Cricklade, Aylesbury or East Retford respectively, it shall not be necessary that the same shall be assessed to the Land Tax, any Statute to the contrary notwithstanding.

35. Oaths of Allegiance, Supremacy and Abjuration to be

And be it further Enacted, That after the *passing of this Act* no Elector at any Election shall be required to take the Oaths, commonly called the Oaths of Allegiance, Supremacy or Abjuration, nor any Oath

or

or Oaths required by any Act of Parliament to be taken in lieu thereof, any Law or Statute to the contrary thereof notwithstanding. dispensed with at Elections.

36. Sect. 60.

AND whereas in and by the said recited Act it is provided, "That upon Petition to the House of Commons complaining of an undue Election or Return of any Member or Members to serve in Parliament, any Petitioner or any Person defending such Election or Return shall be at liberty to impeach the correctness of the Register of Voters in force at the time of such Election, by proving that in consequence of the decision of the Barrister, who shall have revised the Lists of Voters from which such Register shall have been formed, the name of any Person who voted at such Election was improperly inserted or retained in such Register, or the name of any Person who tendered his Vote at such Election improperly omitted from such Register; and the Select Committee appointed for the trial of such Petition shall alter the Poll taken at such Election according to the truth of the case, and shall report their determination thereupon to The House, and The House shall thereupon carry such determination into effect, and the Return shall be amended or the Election declared void, as the case may be, and the Register corrected accordingly, or such other order shall be made as to The House shall seem proper:" AND whereas doubts have arisen as to the power and authority of any such Committees to examine into and decide upon the validity or invalidity of the Vote of any Person whose name appears upon such Register, unless such Vote had been objected to before the Barrister appointed to revise the Votes contained in such Register; BE it therefore Enacted and Declared, That it shall be lawful for any such Committee and they are hereby empowered to examine into and decide upon the validity and invalidity of the Votes of all Persons appearing in such Register, whether the same shall have been objected to before the Barrister appointed to revise such Votes or not.

Committees of the House of Commons to examine into Votes, whether objected to before Barrister or not.

37. Power to pay Expenses incurred by Barrister.

And be it further Enacted, That it shall be lawful to and for the Lord High Treasurer, or any Three or more of the Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland, for the time being, and they are hereby authorized and empowered to issue from time to time, and to pay to the several Barristers appointed to revise the Lists of Voters in England and Wales, any sum or sums of Money not exceeding in the whole the sum of for the Expenses incurred by them in revising such Votes, and in part and in account of the sums to be afterwards voted by Parliament for the payment of their Fees and Expenses.

38. Act to take effect.

And be it further Enacted, That this Act shall take effect from and after the next.

SCHEDULES.

FORMS OF WARRANTS, NOTICES AND LISTS APPLICABLE TO COUNTIES.

No. 1.

WARRANT of CLERK of the PEACE to the HIGH CONSTABLE.

County of [or, Riding, &c.] (To wit.) } TO the High Constable [or, To one of the High Constables] of the Hundred of or other like District within the County aforesaid.

THESE are to require you within days after the receipt hereof, to issue and cause to be delivered (in the form hereunto annexed), your Precepts to the Overseers of the Poor of the several Parishes and Townships within your Constablewick; and you are at the same time to annex to each Precept a sufficient number of the printed Forms of Notices and Lists, and of such part of the Register as relates to each Parish or Township left herewith; and if you find that the number now left is not sufficient for all the places in your Constablewick, you are to apply to me for more; and you are further required, upon receiving notice of the appointment of the Barrister, to revise the Lists of Voters, to make out an abstract of the number of Persons objected to by the Overseers and by other Persons in each Parish or Township, and of the ground of the objection, and forthwith to transmit the same to me; and you are further required, upon receiving notice of the times and places appointed by the Barrister for revising the Lists of Voters, to give notice thereof to the Overseers of the several Parishes and Townships within your Constablewick; and also to cause a notice of the times and places appointed for holding such Courts, to be fixed in some public and conspicuous situation at each place appointed for holding the said Courts; and you are further required to attend such Courts, and to produce the Lists of Voters, and also the original notices of Persons claiming to be inserted in such Lists; and also the original notices of objection to the names of Persons inserted in such Lists; and also the parts of the Register for the current year which shall respectively have been sent to you; and such Lists as you shall then receive from the Revising Barrister you are to transmit to me.

If there is any Parish or Township within your Constablewick which extends into any other Constablewick besides your own, you are to treat

treat every such Parish or Township as within your Constablewick, provided the principal Church of such Parish or Township is situated within your Constablewick; and these matters you are in no wise to omit upon the peril that shall ensue. Given under my hand at in the said County, the

day of

Clerk of the Peace for the said County
[Riding, or Division.]

No. 2.

PRECEPT of the HIGH CONSTABLE to the OVERSEERS.

County of
[or, Riding, &c.] (To wit)
Hundred of

TO the Overseers of the Poor of the Parish of [or, to the Overseers of the Poor of the Township of]

BY Virtue of a Warrant from the Clerk of the Peace of the said County [Riding, or Division] unto me directed, you are hereby required, on or before the twentieth day of June next, to cause to be fixed on or near the doors of all the Churches and Chapels within your Parish [or, Township], or if there be no Church or Chapel therein, then to be fixed in some public and conspicuous situation within the same respectively, the Notice hereunto annexed, marked having first signed the same; and you are further required within seven days after the receipt of the notices of Persons claiming to be inserted in the Lists of Voters, to make an Alphabetical List of all such Persons, and to write or cause to be written the christian name and surname of every such Person at full length, together with the place of his abode, the nature of his qualification, and the local or other description of his lands, and the name of the occupying tenant, if stated in such claim, in the proper columns of the Form of the List hereunto annexed or herewith sent; and after you have made such List, you are required to sign the same, and to cause the same, also the part of the Register of the current year which relates to your Parish or Township herewith sent, to be fixed up on the two Sundays next after they are made, in the same places as is hereinbefore directed as to the Notices.

And if you shall have reasonable cause to believe that any Person claiming to be inserted in the List of Voters, or that any Person whose name shall appear in the Register for the time being, is not entitled to vote in the Election of a Knight or Knights of the Shire for this County [or for the Riding, Part or Division] in which your Parish or Township is situate, you are required to add the words "objected to" opposite his name in the margin of such List or part of the Register; and also to give a notice to such Person that you object to his name being inserted in the List of Voters, or retained in the Register, as the case may be;

and you must state in such notice the ground of your objection, as that he has "no Freehold," or "that it is not of sufficient value," &c.; and if such Person does not reside in your Parish or Township, you may send such notice by post, directed to his address as stated in his notice of claim or in the Register; and you must also write the word "dead" against the name of any Person in such Register who shall have died; and you are further required to keep a true copy of such List, and of such part of the Register, to be perused by any Person, without payment of any fee, at all reasonable hours during the first two weeks after such List shall have been made; and you are further required, on the twenty-ninth day of August, to transmit to me the List of Voters so made out as aforesaid, and also the original Notices of Persons claiming to be inserted in such List, and also the original Notices of Objection to the name of any Person which shall have been inserted in such List, and also the part of the Register for the current Year which shall have been sent to you.

And you are further required to attend the Courts to be held by the Barrister appointed to revise the Lists of Voters relating to your Parish [or, Township], of which you will have due notice, and there to answer on oath such questions as shall be put to you by such Revising Barrister touching such Lists; and if you have not a sufficient number of Forms or of copies of the part of the Register relating to your Parish [or, Township], you are to apply to me for more: And these several matters you are in no wise to omit upon the peril that may ensue. Given under my hand this day of

High Constable.

No. 3.

NOTICE of the MAKING OUT of the LISTS to be given by the OVERSEERS.

WE hereby give Notice, That we shall, on or before the last day of July in this year, make out a List of all Persons entitled to vote in the Election of a Knight or Knights of the Shire for the County of [or, for the Riding, Parts, or Division of the County of as the case may be], in respect of Property situate wholly or in part within this Parish [or, Township]; and all Persons so entitled are hereby required to deliver or transmit to us, on or before the Twentieth day of July in this year, a Claim in writing, containing their christian name and surname, their place of abode, the nature of their qualification, and the name of the street, lane or other like place wherein the property in respect of which they claim

claim to vote is situated; and if the property be not situated in any street, lane or other like place, then such claim must describe the property by the name by which it is usually known, or by the name of the Tenant occupying the same; and each of such Persons so claiming must also at the same time pay to us the sum of One Shilling. Persons omitting to deliver or transmit such claim or to make such payment will be excluded from the Register of Voters for this County [or, Riding, Parts or Division, as the case may be.] [In subsequent years, after One thousand eight hundred and Thirty-five, add the following words, " But Persons whose Names are now on the Register are not required to make a fresh claim so long as they retain the same qualification, and continue in the same place of abode as described in the Register."]

(signed) A. B. } Overseers of the Parish
C. D. } [or, Township] of
E. F. }

No. 4.

NOTICE of CLAIM to be given to the OVERSEERS.

I HEREBY give you Notice, That I claim to be inserted in the List of Voters for the County of [or, for the Riding, Parts, or Division of the County of as the case may be], and that the particulars of my place of abode and qualification are below. Dated the day of in the year

(signed) John Adams.

Place of abode, Cheapside, London.

Nature of qualification, freehold house, [or, warehouse, stable, land, field, annuity, rent-charge, &c. as the case may be, giving such a description of the property as may serve to identify it.]

Where situate in this Parish [or, Township], King Street. [If the property be not situate in any street, lane, or other like place, then say, " Name of the property, Highfield Farm," or, " Name of the occupying tenant, John Edwards."]

No. 5.

County of to wit, [or, Riding, Parts, or Division of the County of as the case may be.] } THE LIST of PERSONS entitled to vote in the Election of a Knight [or, Knights] of the Shire for the County of [or, for the Riding, Parts, or Division of the County of as the case may be], in respect of Property situate within the Parish of [or, Township, as the case may be.]

Christian Name and Surname of each Voter, at full Length.	PLACE OF ABODE.	Nature of Qualification.	Street, Lane, or other like Place in this Parish [or, Township] where the Property is situate, or Name of the Property, or Name of the Tenant.

(signed) A. B. C. D. E. F. } Overseers of the said Parish [or, Township.]

No. 6.

NOTICE of OBJECTION, to be given to the OVERSEERS.

TO the Overseers of the Parish of [or, Township, as the case may be.]

I HEREBY give you Notice, That I object to the name of William Ball being retained in the List of Voters for the County of [or, for the Riding, Parts, or Division of the County of] Dated the day of in the year

(signed) A. B. of [Place of abode.]

No. 7.

FORM of NOTICE of OBJECTION, to be given to Parties.

To Mr. William Ball, Market-street, Lancaster.

I HEREBY give you Notice, That I object to your Name being retained in the List of Voters for the County of [or, for the Riding, Part, or Division of the County of] on the following ground: [here must be stated shortly the ground of objection, as that the Party objected to has no Freehold, or that

that it is not of sufficient value, that he is not or has ceased to be the proprietor, tenant or occupier; that he is personally disqualified as being a minor, an officer of Revenue, et cætera.]

Dated this day of One thousand eight hundred and Thirty-five.

(signed) A. B.
[Place of abode.]

No. 8.

LIST of PERSONS objected to, to be published by the OVERSEERS.

The following Persons have been objected to, as not being entitled to have their Names retained in the List of Voters for the County of [or, for the Riding, Parts or Division of the County of]

Christian Name and Surname of each Person objected to.	PLACE OF ABODE.	Nature of the supposed Qualification.	Street, Lane, or other like Place, in this Parish [or, Township] where the Property is situate, or Name of the Property, or Name of the Tenant.

(signed) A. B. } Overseers of the Parish of
C. D. } [or, Township, as
E. F. } the case may be.]

FORMS OF WARRANTS, NOTICES AND ACTS, APPLICABLE TO CITIES AND BOROUGHS.

No. 1.

WARRANT of CLERK of the PEACE to RETURNING OFFICERS.

County of
[or, Riding, &c.]
(To wit.)

TO the Returning Officer of the City of [or, Borough,] within the County aforesaid.

THESE are to require you, within days after the receipt hereof, to issue and cause to be delivered in the Form hereunto annexed, your Precept to the Overseers of every Parish and Township situate wholly or in part within your City [or, Borough, or Place,] sharing in the Election therewith; and also to annex to every such Precept a sufficient number of the printed Forms of Notices and Lists for the use of the said Overseers, which you shall have had printed according to the

Forms contained in the "Act for the more effectual Registration of Persons entitled to vote in the Election of Members to serve in Parliament for England and Wales." And you are further required to annex to such Precepts the copies of so much of the Register as relates to each Parish or Township left herewith; and if you find that the number of the said parts of the Register now left is not sufficient for all the Parishes and Townships in your City [or, Borough], you are to apply to me for more. And you are further required to attend the Courts held by the Barrister appointed to revise the Lists of Voters for your City or Borough, and to produce the Lists of Voters, and also the original Notices of Persons claiming to be inserted in such Lists, and also the original Notices of Objections to the Names of Persons inserted in the said Lists, or any of them, and also the parts of the Register of the current year which shall have been respectively sent to you. And these matters you are in no wise to omit upon the peril that shall ensue. Given under my hand this day of

Clerk of the Peace for the County [or, Riding,] et cætera.

No. 2.

PRECEPT of the RETURNING OFFICER to the OVERSEERS.

City [or, Borough] of in the County of [or, Riding, &c.] (To wit.)

TO the Overseers of the Poor of the Parish of [or, to the Overseer of the Poor of the Township of]

BY Virtue of a Warrant from the Clerk of the Peace of the said County [Riding, or Division] unto me directed, you are hereby required, on or before the Twentieth day of June next, to cause to be fixed on or near the doors of all the churches and chapels within your Parish or Township, or if there be no church or chapel therein, then to be fixed in some public and conspicuous situation within the same respectively, an Alphabetical List of all Persons rated to the relief of the Poor in your Parish or Township, and who shall be otherwise entitled to be inserted or retained in the List of Voters in the Election of Members to serve in Parliament for this City [or, Borough] and who shall not have paid all the Rates and Assessed Taxes which shall have become payable from them for the last Twelve calendar Months previously to the Sixth day of April last, in respect of the Premises for which they are so entitled as aforesaid. And you are hereby further required, on or before the Thirty-first day of July next, to make out or cause to be made out, an Alphabetical List of all Persons who may be entitled to vote in the Election of a Member or Members to serve in any future Parliament for this City [or, Borough] in respect of the occupation of premises of the clear yearly value of Ten Pounds, situate wholly or

in

in part within your Parish or Township; and another Alphabetical List of all other Persons (except Freemen) who may be entitled to vote in the Election for this City [or, Borough] by virtue of any other right whatsoever; and in each of the said Lists you must write or cause to be written, the christian name and surname of every such Person at full length, together with the nature of his qualification; and when any Person shall be entitled to vote in respect of any property, you must state the name of the street, lane or other description of the place where such property may be situate; and when any Person shall be entitled to vote otherwise than in respect of any property, then you must state the name of the street, lane or other description of the place of abode of such Person; all which must be done in the Forms of Lists herewith sent: And when you have made out such Lists, you must cause a sufficient number of them to be printed at the expense of your Parish or Township, and you must sign them, and cause them, together with the part of the Register of the current year herewith sent, to be fixed up on or near the doors of all the churches and chapels in your Parish or Township, or if there is no church or chapel therein, then you must cause them to be fixed up in some public and conspicuous situation within the same, on the Two Sundays next after such Lists shall be made out; and you must likewise write the word "Dead" against the name of any Person in such part of the Register who shall have died; and keep true copies of such Lists to be perused by any Person without payment of any fee, at all reasonable hours, during the first two weeks after such Lists shall have been made; and you are further required, on the Twenty-ninth day of August, to transmit to me the List of Voters so made as aforesaid, and also the original notices of Persons claiming to be inserted in such List; and also the original notices of objection to the names of any Persons inserted by you in such List; and also the original notices of objection to the names of any Persons inserted in the List of Freemen, and which shall have been served upon you, and also the part of the Register for the current year relating to your Parish or Township; and you are further required to attend the Courts to be held by the Barrister appointed to revise the Lists of Voters relating to your Parish or Township, of which you will have due notice, and there to answer on oath such questions as shall be put to you by such Revising Barrister touching the said Lists. And if you have not a sufficient number of Forms or of copies of the part of the Register relating to your Parish [or, Township], you are to apply to me for more; and these several matters you are in no wise to omit upon the peril that may ensue. Given under my hand, this day of One thousand eight hundred

Returning Officer of the City [or, Borough.]

No. 3.

WARRANT of Clerk of the Peace to Town Clerks.

County of [or, Riding, &c.] (To wit.) } TO the Town Clerk [or, other like Officer] of the City [or, Borough] of

BY Virtue of a Warrant from the Clerk of the Peace of the said County [or, Riding, &c.] to me directed, you are hereby required, on or before the Thirty-first day of July next, to cause to be fixed on or near the Door of the Town-hall, or in some public and conspicuous situation, a Notice, according to the Form numbered in the Schedule annexed to "An Act for the more effectual Registration of Persons entitled to vote in the Election of Members to serve in Parliament in England and Wales," requiring all Freemen who shall not be upon the Register of Persons entitled to vote in the Election of a Member or Members to serve in any future Parliament, and who claim to be inserted therein, to deliver or transmit to you a Notice of their claim as such Freemen, according to the Form numbered in the Schedule to the said Act annexed, or to the like effect; and you are further required, upon receipt of such Notices of Claim, to make an Alphabetical List of all Freemen who shall claim as aforesaid, and to write the Christian Name and Surname of every such Freeman at full length, together with the Place of Abode and other description mentioned in such Claim; and also to make out, or cause to be made out, an Alphabetical List of all the Freemen who are upon the Register for the current year, together with the Place of Abode and other description mentioned in such Register; and also to write the word "Dead" against the Name of any Freeman who may have died; and to cause Copies of such Lists to be fixed on or near the Door of the Town-hall, or in some public and conspicuous situation, on the Two Sundays next after such List shall have been made; and you are to keep a true Copy of such List, to be perused by any Person without payment of any fee, at all reasonable hours during the first Two Weeks after such List shall have been made: And you are further directed, on the Twenty-ninth day of August, to transmit to the Returning Officer of your City [or, Borough] the List of Freemen who shall claim to be inserted in the Lists as aforesaid, and also the List of Freemen already upon the Register, and also the original Notices of Claim, and also the original Notices of Objection to the Name of any Person inserted in such Lists.

Given under my hand this day of

Returning Officer.

No. 4.

THE LIST of PERSONS entitled to vote in the Election of a Member [or, Members] for the City [or, Borough] of in respect of Property occupied within the Parish [or, Township] of by virtue of an Act passed in the Second Year of the Reign of King WILLIAM the Fourth, intituled, "An Act to amend the Representation of the People in England and Wales."

Christian Name and Surname of each Voter at full length.	Nature of Qualification.	Street, Lane or other Place in this Parish, where the Property is situate.

(signed) A. B. } Overseers of the
C. D. } said Parish [or,
E. F. } Township.]

No. 5.

THE LIST of all PERSONS (not being Freemen) entitled to vote in the Election of a Member [or, Members] for the City [or, Borough] of in respect of any Rights other than those conferred by an Act passed in the Second Year of the Reign of King WILLIAM the Fourth, intituled, "An Act to amend the Representation of the People in England and Wales."

Christian Name and Surname of each Voter at full Length.	Nature of Qualification.	Street, Lane or other Place in this Parish where the Property is situate. [If the Right of Voting does not depend on Property, then state the Place of Abode.]

(signed) A. B. } Overseers of the Parish
C. D. } of [or, Town-
E. F. } ship] within the said
City [or, Borough.]

No. 6.

THE LIST of the FREEMEN of the City [or, Borough] of [or, of being a Place sharing in the Election with the City [or, Borough] of] entitled to vote in the Election of a Member [or, Members] for the said City [or, Borough].

Christian Name and Surname of each Freeman at full length.	Place of his Abode.

(signed) A. B. { Town Clerk of the said City [or, Borough, or, Place.]

No. 7.

NOTICE of CLAIM.

TO the Overseers of the Parish [or, Township] of [or, to the Town Clerk of the City or Borough of or otherwise, as the case may be.]

I HEREBY give you Notice, That I claim to have my Name inserted in the List made by you of Persons entitled to vote in the Election of a Member [or, Members] for the City [or, Borough] of and that my Qualification consists of a House in Duke-street in your Parish [or otherwise, as the case may be; and in case of a Freeman, say, and that my Qualification is as a Freeman of and that I reside in Lord-street in this City [or, Borough]. Dated the day of One thousand eight hundred and Thirty-

(signed) John Allen of [Place of Abode.]

No. 8.

NOTICE of OBJECTION.

TO the Overseers of the Parish [or, Township] of [or, to the Town Clerk of the City, or Borough of or otherwise, as the case may be.]

I HEREBY give you Notice, That I object to the Name of Thomas Bates being retained in the List of Persons entitled to vote in the Election of a Member [or, Members] for the City [or, Borough] of and that I shall bring forward such Objection at the time of the revising of such List. Dated the day of in the year

(signed) A.B. of [Place of Abode.]

No. 9.

FORM of NOTICE of OBJECTION to be given to PARTIES.

TO Mr. William Ball, Market-street, Lancaster.

I HEREBY give you Notice, That I object to your Name being retained on the List of Voters for the City of [or, Borough] on the following ground [here must be stated shortly the ground of Objection, as that the Party is not an Occupier of sufficient value, that he has ceased to be Occupier, or that he is personally disqualified, as being a Minor, an Officer of Revenue, &c.]

Dated this day of One thousand eight hundred and Thirty-

(signed) A. B. [Place of Abode.]

No. 10.

LIST of CLAIMANTS, to be published by the OVERSEERS.

The following Persons claim to have their Names inserted in the List of Persons entitled to vote in the Election of a Member [or, Members] for the City [or, Borough] of

Christian Name and Surname of each Claimant at full Length.	Nature of Qualification.	Street, Lane, or other Place in this Parish where the Property is situate. [If the Right does not depend on Property, state the Place of Abode.]

(signed) A. B.
C. D.
E. F.
} Overseers of, &c.

No. 11.

LIST of PERSONS objected to, to be published by the OVERSEERS.

The following Persons have been objected to as not being entitled to have their Names retained in the List of Persons qualified to vote in the Election of a Member [or, Members] for the City [or, Borough] of

Christian Name and Surname of each Person objected to.	Nature of the supposed Qualification.	Street, Lane or other Place in this Parish where the Property is situate. [If the Right does not depend on Property, state the Place of Abode.]

(signed) A. B.
C. D.
E. F.
} Overseers of, &c.

No. 12.

LIST of CLAIMANTS, to be published by the TOWN CLERKS.

The following Persons claim to have their Names inserted in the List of the Freemen of the City [or, Borough] of [or, of being a Place sharing in the Election with the City [or, Borough] of], entitled to vote in the Election of a Member [or, Members] for the said City [or, Borough].

Christian Name and Surname of each Claimant at full length.	Place of his Abode.

(signed) A. B. {Town Clerk of the said City [or, Borough, or, Place.]

No. 13.

THE LIST of PERSONS objected to, to be published by the TOWN CLERKS.

The following Persons have been objected to as having no right to be retained on the List of the Freemen of the City [or, Borough] of [or, of being a Place sharing in the election with the City [or, Borough] of], entitled to vote in the Election of a Member [or, Members] for the said City [or, Borough].

Christian and Surname of each Person objected to.	Place of his Abode.

(signed) A. B. {Town Clerk of the said City [or Borough, or, Place.]

5 WILL. IV.—Sess. 1835.

A

B I L L

For the more effectual Registration of Persons entitled to Vote in the Election of Members to serve in Parliament in England and Wales.

(*Prepared and brought in by* *Lord John Russell and Sir John Campbell.*)

Ordered, by The House of Commons, *to be Printed,* 13 *March* 1835.

29 *August* 1835.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For the more effectual Registration of Persons entitled to Vote in the Election of Members to serve in Parliament in *England* and *Wales*.

WHEREAS an Act was passed in the second year of the reign of His present Majesty, intituled, "An Act to amend the Representation of the People in *England* and *Wales*:" Preamble: 2 Will. 4. c. 45.

And whereas the said Act contains divers provisions for the formation of Registers of Voters for Counties, Ridings, Parts and Divisions of Counties, and also for the formation of Registers of Voters for Cities and Boroughs:

And whereas it is expedient and necessary that some of the said provisions should be amended, and that further provisions should be made for the more effectual Registration of Persons entitled to vote in the Election of Members to serve in Parliament for *England* and *Wales*; and it is expedient for the better understanding of the Law touching such Registration that all provisions for the formation of such Registers should be consolidated into this Act;

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT all provisions in the said recited Act contained, touching and concerning the formation of the Register of Voters for any County, Riding, Parts or Division of a County, or for any City or Borough in *England* and *Wales*, and touching and concerning the defraying of the Expenses to be incurred in carrying such provisions 1. Certain Provisions of 2 Will. 4. c. 45, repealed.

provisions into effect, shall be and the same are hereby Repealed, except as to any such Register heretofore made, and except as to any matter or thing touching and concerning the same.

2. This Act to be deemed part of the recited Act.

And be it Enacted, That this Act, when passed, shall be deemed and taken to be part of the said recited Act, as fully and effectually as if the same were incorporated therewith.

3. *Counties.* Clerk of the Peace to have Forms of Warrants, &c. printed. Clerk of the Peace to issue his Warrant to High Constables, with Forms of Precepts, &c.

And be it Enacted, That the Clerk of the Peace for every county, riding, parts or division of a county, shall cause a number of Forms of Warrants, Precepts, Notices and Lists to be printed, according to the respective Forms numbered (1. 2. 3. 4. 5.) in the Schedule (I.) to this Act annexed, at the expense of the respective county, riding, parts or division; and shall also, within the First Week of June in every year make and cause to be delivered his Warrant, according to the Form numbered (1.) in the Schedule (I.) to this Act annexed, to the High Constable of every Hundred or other like district within such county, riding, parts or division; and shall also cause to be delivered to the said High Constable with every such Warrant, for the use of the said High Constable, and for the use of the Overseers of every parish and township within his Constablewick as hereinafter provided, a sufficient number of the said printed Forms of Precepts, Notices and Lists; and also a sufficient number of Copies of such parts of the Register of Voters for such county, riding, parts or division then in force as shall relate to every parish or township within his said Constablewick.

4. High Constables to issue Precepts with Forms of Notices, &c. to Overseers.

And be it further Enacted, That within Ten days after the receipt of such Warrant of the said Clerk of the Peace, every such High Constable shall make and cause to be delivered to the Overseers of the Poor of every parish and township within his Constablewick, his Precept, according to the Form numbered (2.) in the Schedule (I.) to this Act annexed, together with a sufficient number of the said printed Forms of Notices and Lists, and of the copies of such part of the said Register as shall relate to the respective parish or township.

5. Overseers to give Notice annually, requiring Voters to send in their Claims.

And be it further Enacted, That the Overseers of the Poor of every parish and township shall, on the Twentieth day of June in every year, cause to be fixed on or near the outer doors of all the Churches and Chapels within such parish or township, or if there be no church or chapel there, then to be fixed up in some public and conspicuous situation within the same respectively, a Notice in writing, according to the Form numbered (3.) in the Schedule (I.) to this Act annexed, having first signed the same, requiring all Persons entitled to vote in the Election of a Knight or Knights of the Shire to serve in Parliament, in respect of any property situate wholly or in part within such parish or township, who shall not be upon the Register of Voters then in force;

force; and also all Persons so entitled as aforesaid, who being upon such Register, shall not retain the same qualification or continue in the same place of abode as described in such Register, to deliver or transmit to the said Overseers, on or before the Twentieth day of July then next ensuing, a Notice in writing by them signed of their Claim as such Voters, according to the Form numbered (4.) in the Schedule to this Act annexed, or to the like effect: Provided always, That it shall and may be lawful for any other Person so entitled to make his Claim as aforesaid, if he shall so think fit, although he shall be upon such Register.

6.
Overseers to prepare Lists of Claimants.

And be it further Enacted, That the Overseers of the Poor of every parish and township, shall, on or before the last day of July in every year, make out or cause to be made out, according to the Form numbered (5.) in the Schedule (I.) to this Act annexed, an Alphabetical List of all Persons who on or before the Twentieth day of July then next preceding shall have claimed as aforesaid to be inserted in such List as Voters for the county or for the riding, parts or division of the county wherein such parish or township lies, in respect of any property situate wholly or in part within that parish or township; and in every List so to be made as aforesaid, the Christian Name and Surname of every Claimant shall be written at full length, together with the place of his abode, the nature of his qualification, and the local or other description of the property, or the Name of the occupying Tenant thereof, as the same are respectively stated in his claim to vote; and the said Overseers, if they shall have reasonable cause to believe that any Person so claiming as aforesaid, or any Person who is upon that part of the Register of Voters then in force which relates to their parish or township, is not entitled to have his name upon the Register then next to be made for the county or for the riding, parts or division of the county in which their parish or township is situate, shall have power to add the word "Objected" opposite the name of every such Person on the margin of such List, or on the margin of such part of the said Register; and the said Overseers shall also have power to add the word "Dead" opposite the name of any Person in such part of the said Register, whom they shall have reasonable cause to believe to be dead; and the said List of Claimants being so made as aforesaid, they the said Overseers shall sign the same, and shall cause a sufficient number of copies of such List to be written or printed; and shall cause to be fixed one copy of such List, and also one copy of such part of the said Register, on or near the outer doors of all the Churches and Chapels within their parish or township, or if there be no church or chapel there, then to be fixed up in some public and conspicuous situation within the same respectively, on the Two Sundays next after such Lists shall have been made; and the said Overseers shall likewise keep a copy of such List, and a copy of such part of the said Register, to be perused by any person without payment of any fee, at all reasonable hours, during the first two weeks of August after

Overseers to have power of objecting to any Name either on such Lists or on the part of the Register of Voters for the time being relating to their Parish.

To have power to add the word "Dead" against any Name in such Lists or part of Register.

Overseers to fix Copies of such Lists and of the part of the Register of Voters relating to their own Parish on Churches and Chapels;

To keep Copies of Lists for Inspection and Sale.

such List shall have been made, and shall cause to be written or printed copies of the said Lists of Claimants, to be by them delivered to all Persons applying for the same, on payment of a reasonable price for each copy.

7. Provision as to Places having no Overseers.

And be it Enacted, That every precinct or place, whether extra-parochial or otherwise, which shall have no Overseers of the Poor, shall, for the purpose of making such Claims, and making out such List as aforesaid, be deemed to be within the parish or township adjoining thereto, such parish or township being situate within the same county, or the same riding, parts or division of a county, as such precinct or place; and if such parish or place shall adjoin two or more parishes or townships so situate as aforesaid, it shall be deemed to be within the least populous of such parishes or townships according to the last Census for the time being; and the Overseers of the Poor of every such parish or township shall insert in the List for their respective parish or township, the Names of all Persons who shall claim as aforesaid to be inserted therein as Voters in the election of a Knight or Knights of the Shire for the county, or for the riding, parts or division of the county in which such precinct or place as aforesaid lies, in respect of any lands or tenements situate wholly or in part within such precinct or place.

8. The List of Claimants in any Parish, and the part of the Register relating to that Parish, to be deemed the List of Voters of such Parish.

And be it Enacted, That the List of Claimants (if any) so to be made out by the Overseers of every parish or township as aforesaid, and the part of the Register for the time being relating to that parish or township shall be deemed to be the List of Voters of such parish or township for the county, riding, parts or division of a county within which such parish or township may be situate; and every Person whose name is upon the part of the said Register relating to such parish or township shall be deemed to have had his name inserted in the List of Voters of such parish or township by the said Overseers thereof.

9. Any Person on the Register for the time being may object to any other Person named in the List of Voters as not entitled to be upon the List. Notice of Objection to be given to the Overseers.

And be it further Enacted, That every Person who shall be upon the Register for the time being for any county, or for any riding, parts or division of a county, may object to any Person whose name shall appear either upon any such List of Claimants so to be made as aforesaid, or upon any part of the said Register, as not having been entitled, on the last day of July then next preceding, to have his name inserted in the List of Voters for the parish or township to which such List or such part of the Register as shall contain his name may relate; and every Person so objecting, save and except Overseers objecting, in the manner hereinbefore mentioned, shall, on or before the Twenty-fifth day of August in every year, give or cause to be given to the Overseers of the Poor of the parish or township to which the List or the part of the Register containing the name of the Person so objected to may relate, a Notice in writing, according to the Form numbered (6.) in the Schedule (I.)

(I.) to this Act annexed or to the like effect; and the Person so objecting, and the said Overseers in case of their objecting as aforesaid, shall, on or before the Twenty-fifth day of August in every year, give to the Person so objected to a Notice in writing, according to the Forms numbered (7. and 8.) respectively in the Schedule (I.) to this Act annexed, or to the like effect, either by delivering the same to him or by leaving the same at his place of abode as described in such List or part of the said Register, or by delivering the same to the occupying Tenant of the qualifying premises described in such List or part of the said Register: Provided always, That every such Notice of objection shall be signed by the party so objecting as aforesaid, and the ground or grounds of objection shall be stated therein; and that wherever the place of abode of the Person objected to as described in the List or part of the said Register, shall not be in the parish or township to which such List or part of the said Register may relate, it shall be sufficient, if the Notice so required to be given to him as aforesaid shall, on or before the said Twenty-fifth day of August, be sent by the Post, free of postage, or the sum chargeable as postage for the same being first paid, directed to him at his place of abode, as described in such List or part of the said Register.

Notice of Objection in all cases to be given to the Party.

Grounds of Objection to be stated in the Notice.

Notice in certain cases may be sent by the Post.

10. And be it Enacted, That the said Overseers shall include the names of all Persons so objected to in a List according to the Form numbered (9.) in the said Schedule (I.) to this Act annexed, and shall cause copies of such List to be fixed on or near the outer doors of all Churches and Chapels within their parish or township, or if there be no church or chapel therein, then to be fixed up in some public and conspicuous situation within the same respectively, on the Two Sundays next preceding the Fifteenth day of September in every year; and the said Overseers shall also keep a copy of such List to be perused by any Person without payment of any fee, at all reasonable hours during the Ten Days next preceding the said Fifteenth day of September in every year; and shall deliver a copy of such List to any Person requiring the same on payment of One Shilling for each copy.

10. Lists of Persons objected to, to be published.

11. And be it Enacted, That on the Twenty-ninth day of August in every year, the Overseers of every parish or township shall deliver to the High Constable of the hundred or other like district wherein the said parish or township is situate, a copy of the List of Claimants so made out as aforesaid; and a copy of the part of the said Register relating to their parish or township, and also a copy of the List of Persons objected to so made out as aforesaid, and the original notices of objection so given to them as aforesaid; and such High Constable shall forthwith deliver all such copies of Lists and of the parts of the Register, and all such original Notices of objection, to the Clerk of the Peace of the county or of the riding, parts or division of county respectively, and such Clerk of the Peace shall thereupon make out an

11. Lists, &c. to be delivered to High Constables to be forwarded to the Clerk of the Peace.

Counties.

Abstract of the Number of Persons objected to by the Overseers and by other Persons in each parish and township, and of the grounds of objection stated in the respective Notices.

12. Lord Chief Justice and Judges of Assize to appoint Barristers for revising the Lists of Voters.

And be it further Enacted, That the Lord Chief Justice of the Court of King's Bench for the time being, shall in the Month of July or August in every year nominate and appoint for Middlesex, and the Senior Judge for the time being in the Commission of Assize for every other county shall during the Summer Circuit in every year nominate and appoint a Barrister or Barristers, each such Barrister being of not less than Three Years' standing, to revise the List of Voters for the election of a Knight or Knights of the Shire for every such county, or for the riding, parts or divisions of such county; and such Barrister or Barristers so nominated and appointed as aforesaid shall immediately on such appointment notify the same to the Clerk of the Peace for the said county, riding, parts or division, who shall thereupon transmit the said copies of Lists and of parts of the said Register, and also the said Abstract so made out by him as aforesaid, to the said Barrister or Barristers, in order that proper times and places may be fixed for the holding of the Courts for the revision of the said Lists as hereinafter provided.

13. Barristers to hold Courts for revising Lists of Voters within a certain period;

to give notice of the times and places of holding such Courts to Clerk of the Peace.

Clerk of the Peace to give notice thereof by Advertisement, and to the High Constables.

High Constables to give public notice and notice to the Overseers.

And be it further Enacted, That such Barrister or Barristers shall make a circuit of the county, riding, parts or division for which he or they shall be so appointed as aforesaid, and shall hold open Courts therein for such revision as aforesaid at convenient times and places, such times being between the Fifteenth day of September inclusive and the First day of November inclusive in every year; and such Barrister or Barristers shall, Ten days at the least before the holding of the first Court of Revision as aforesaid, give Notice to the Clerk of the Peace of the several times and places at which the said Courts shall be holden; and the said Clerk of the Peace shall cause public notice thereof to be given by advertisement in some of the Newspapers circulating within the said county, riding, parts or division, and shall also cause notice thereof to be given to the High Constable of every hundred or other like district within the same respectively; and the said High Constable shall cause a Notice thereof to be fixed up in some public and conspicuous situation at every place within his said Constablewick appointed for the holding of any such Court, and shall give Notice to the Overseers of every parish and township within his Constablewick of the time and place of holding the Court for revising the List of such parish and township, requiring them to attend the same.

14. Clerk of the Peace to attend the first

And be it Enacted, That the Clerk of the Peace at the opening of the first Court of Revision to be so holden as aforesaid, shall deliver

or

or cause to be delivered to the said Barrister or Barristers the several Notices of objection which shall have been delivered to such Clerk of the Peace by the respective High Constables as aforesaid, and the High Constable of every hundred or other like district shall attend the Court or Courts to be held for revising the List relating to any parish or township within his Constablewick, and the Overseers of every parish and township shall attend the Court to be held for revising the Lists relating to their parish or township, and shall deliver to the Barrister or Barristers holding such Court the original notices of claim, and the List of Claimants, and the List of Persons objected to, so made out by them respectively as aforesaid, and the said High Constables and Overseers shall answer upon oath all such questions as such Barrister or Barristers may put to them or any one of them touching any matter necessary for such revision as aforesaid.

Court, and High Constables and Overseers to attend the Courts for their respective Districts and Parishes.

15.
Barristers may hold separate Courts.

And be it Enacted, That where Two or more Barristers shall be appointed for the same county, riding, parts or division of a county, they shall attend at the same places together, but may sit apart and hold separate Courts at the same time for the despatch of business.

16.
Powers of Barrister as to expunging Names from Lists.

And be it Enacted, That every such Barrister shall expunge from the List of Voters of any Parish or Township the Name of every Person objected to in manner hereinbefore mentioned, in case it shall not be proved that such Person was entitled, on the last day of July then next preceding, to be inserted in such List in respect of his qualification as stated in such List; or in case it shall be proved that such Person was then incapacitated by law or by any statute from voting in the election of Members to serve in Parliament; and shall also expunge as aforesaid the Name of every Person whose qualification as stated in the said List shall appear upon the face thereof to be necessarily insufficient to entitle the said Person to be inserted in such List, and also the Name of every Person who shall be proved to him to be dead; and the said Barrister shall correct any mistake which shall be proved to him to have been made in the said List as to any of the particulars required by this Act to be inserted therein; and wherever the Christian Name of any Person, or his place of abode, or the nature of his qualification, or the local or other description of his property, or the Name of the occupying Tenant thereof, be wholly omitted from the said List, such Barrister shall expunge the Name of every such Person from such List, unless the matter or matters so omitted shall be supplied to the satisfaction of such Barrister before he shall have completed the revision thereof, in which case he shall then and there insert the same accordingly: Provided always, That no Person's Name shall be expunged as aforesaid except in case of the statement of an insufficient qualification, or of his death, or of any such omission as hereinbefore mentioned, unless the Overseers or other Party who shall have objected to such Person shall appear before the said Barrister, by themselves or himself,

Power to rectify mistakes and supply omissions.

Mode of proceeding in cases of objected Votes

himself, or by some one on their or his behalf, in support of such objection, nor unless the said Barrister shall be satisfied that the respective Notices of objection shall have been duly given: Provided also, That the said Barrister shall not inquire into or allow any objection to be inquired into, the ground whereof shall not have been stated in the said respective Notices.

17. Barrister to have power to insert in Lists the Names of Claimants omitted by the Overseers on proof of due claim and qualification.

And be it Enacted, That if it shall happen that any Person who shall have given to the Overseers of any parish or township due notice of his claim to have his Name inserted in the List of Persons entitled to vote in the election of a Knight or Knights of the Shire, shall have been omitted by such Overseers from such List, it shall be lawful for the Barrister, upon the revision of such List, to insert therein the Name of the Person so omitted, in case it shall be proved to the satisfaction of such Barrister that such Person gave due notice of his claim to the said Overseers, and that he was entitled on the last day of July then next preceding to be inserted in the List of Persons entitled to vote in the election of a Knight or Knights of the Shire for the county, or for the riding, parts or division of the county wherein the parish or township of such Overseers may be situate, in respect of the qualification described in such Notice of claim.

18. Voters residing out of the Polling District to which the Parish wherein their qualification is situate belongs, may vote in another Polling District on making a claim before the Revising Barrister.

AND whereas it was enacted by the said recited Act, that at every contested Election for any county, riding, parts or division of a county, Booths for taking the Poll at the principal place of Election, and also at each of the Polling Places for such county, riding, parts or division, should be erected as therein mentioned, and that no Person should be admitted to vote at any such Election in respect of any property situate in any parish, township or place, except at the Booth allotted for such parish, township or place; and if no Booth should be allotted for the same, then at any of the Booths for the same district: And whereas it is expedient that certain Voters should be admitted to vote elsewhere than at the Polling Place of the district wherein their qualification may be situate; BE it therefore Enacted, That wherever the place of abode of any Voter for any county, riding, parts or division of a county, as stated in the List of Voters of any parish or township within the same, shall not be within the Polling District of such parish or township, every such Voter whose said place of abode shall be within such county, riding, parts or division of a county respectively, shall, if duly registered in that behalf, be admitted to vote at the Polling Place of the district wherein his said place of abode may be situate; and every such Voter whose said place of abode shall not be within such county, riding, parts or division of a county shall, if duly registered in that behalf, be admitted to vote at the Polling Place of any other district, to be by him selected; any thing in the said recited Act to the contrary notwithstanding:

notwithstanding: Provided always, That in order to be registered for that purpose, every such Voter who may be desirous of being admitted to vote at some other Polling Place than the Polling Place of the district wherein his qualification may be situate, shall make his claim to be admitted to vote at such other Polling Place before the Barrister holding his Court for the revision of the List wherein the Name of such Voter shall appear; and thereupon the said Barrister shall insert in the said List the Name of such Polling Place against the Name of such Claimant: Provided also, That if such Voter shall not personally appear before the said Barrister, such claim shall be made in writing signed by the said Voter, and shall be then and there verified on oath: Provided also, That every such Voter against whose Name in the Register for the time being the Name of any Polling Place shall be stated, shall not be admitted to vote elsewhere than at such last-mentioned Polling Place.

Cities and Boroughs.

19. Returning Officer to have Forms of Precepts, &c. printed.

And be it Enacted, That the Returning Officer of every city or borough entitled to return a Member or Members to serve in Parliament shall cause a sufficient number of Forms of Precepts, Notices and Lists to be printed, according to the Forms numbered (1. 2. 3. 4. 6. 7.) in the Schedule (II.) to this Act annexed, at the expense of such city or borough, and shall within the First Week in June in every year, make and cause to be delivered to the Overseers of the Poor of every parish or township situate wholly or in part within such city or borough, or within any place sharing in the Election for such city or borough, his Precept according to the Form numbered (1.) in the Schedule to this Act annexed; and shall also within the said First Week in June, make and cause to be delivered to the Town Clerk of such city or borough, and to the Town Clerk of every place sharing in the Election for such city or borough, his Precept according to the Form numbered in the said Schedule; and the said Returning Officer shall also cause to be delivered to the said Overseers and Town Clerks with every such Precept a sufficient number of the said printed Forms of Notices and Lists.

To issue his Precept to the Overseers and to the Town Clerk.

20. Overseers to give public Notice as to the payment of Rates and Taxes by Occupiers of Premises of the yearly value of 10*l.*

And be it Enacted, That the Overseers of every such parish or township shall, on or before the Twentieth day of June in each year, cause to be fixed on or near the outer doors of all the Churches and Chapels within such parish or township, or if there be no church or chapel therein, then to be fixed up in some public and conspicuous situation within the same, a Notice in writing according to the Form numbered (2.) in the said Schedule (II.), stating that no Person will be entitled to have his Name inserted in any List of Voters for the city or borough then next to be made, in respect of the occupation of premises of the clear yearly value of not less than Ten Pounds, situate wholly or in part within such parish or township, unless he shall pay, on or before the Twentieth day of July then next ensuing, all the Poor's Rates and

Assessed Taxes which shall have become payable from him in respect of such premises during the Twelve calendar Months next before the Sixth day of April then last past; and that all Persons omitting to make such payment will be incapable of being upon the Register of Voters for the said city or borough then next to be made.

21. Overseers to have power of inspecting Tax Assessments, &c.

And be it Enacted, That the Overseers of every parish or township, for their assistance in making out the List of Voters as hereinafter mentioned, (upon request made by them or any of them at any reasonable time between the First day of June and the last day of July in every year, to any Assessor or Collector of Taxes, or to any other Officer having the custody of any duplicate or Tax Assessment for such parish or township), shall have free liberty to inspect any such duplicate or Tax Assessment, and to extract therefrom such particulars as may appear to such Overseer or Overseers to be necessary; and every such Assessor or Collector of Taxes shall, within Two Days after the said Twentieth day of July, make out and deliver to the said Overseers a List containing the Name and place of abode of every Person who shall not have paid on or before the said Twentieth day of July the Assessed Taxes which shall have become payable from him in respect of any premises within the said parish or township during the Twelve calendar Months next before the Sixth day of April then last past; and the said Overseers shall keep the said List to be perused by any Person without payment of any fee at all reasonables hours during the first two weeks after the Lists of Voters shall have been made as hereinafter mentioned.

22. Overseers to prepare Lists of Persons (other than Freemen) entitled to vote.

And be it further Enacted, That the Overseers of every such parish or township shall, on the Thirty-first day of July in every year, or within Three Days then next following, make out or cause to be made out according to the Form numbered (3.) in the Schedule (II.) to this Act annexed, an Alphabetical List of all Persons who may be entitled to vote in the election of a Member or Members to serve in Parliament for such city or borough, in respect of the occupation of premises of the clear yearly value of not less than Ten Pounds, situate wholly or in part within such parish or township, and another Alphabetical List, according to the Form numbered (4.) in the said Schedule (II,) of all other Persons (except Freemen) who may be entitled to vote in the Election for such city or borough by virtue of any other right whatsoever; and in each of the said Lists the Christian Name and Surname of every such Person shall be written at full length, together with the nature of his qualification; and where any Person shall be entitled to vote in respect of any property, then the Name of the Street, Lane or other description of the place where such property may be situate, shall be specified in the List; and where any Person shall be entitled to vote otherwise than in respect of any property, then the Name of the Street, Lane or other description of the Place of Abode of such Person shall be specified in the List; and they, the said Overseers, shall also forthwith after the making of such Lists, sign the same, and

Copies of Lists to be fixed on

cause

cause a sufficient number of copies of such Lists to be fixed on or near the outer doors of all the Churches and Chapels in their several parishes and townships, or if there be no church or chapel therein, then to be fixed up in some public and conspicuous situation within the same respectively, on the Two Sundays next after such Lists shall have been made out; and the said Overseers shall likewise keep Copies of such Lists to be perused by any Person without payment of any Fee, at all reasonable hours during the first Two Weeks after such Lists shall have been made, and shall cause to be written or printed Copies thereof, to be by them delivered to all Persons applying for the same, on payment of a reasonable price for each Copy.

Churches and Chapels.

Copies of Lists to be kept for inspection and for sale.

23. And be it Enacted, That every precinct or place, whether extra-parochial or otherwise, having no Overseers of the Poor, and being within any city or borough, or within any place sharing in the election for any city or borough, shall, for the purpose of making out the Lists of Voters for such city or borough, be deemed to be within the parish or township adjoining thereto, and situate wholly or in part within such city or borough, or within such place sharing in the election therewith; and if such precinct or place shall adjoin two or more parishes or townships so situate as aforesaid, it shall be deemed to be within the least populous of such parishes or townships according to the last Census for the time being; and the Overseers of every such parish or township shall insert in the List for their respective parish or township the Names of all Persons who may be entitled to vote in the election of a Member or Members to serve in any future Parliament for any such city or borough, in respect of any property occupied by such Persons within such city or borough, or within any place sharing in the election therewith; such property being situate wholly or in part within such precinct or place as aforesaid.

Provision for Places having no Overseers.

24. And be it Enacted, That every Person whose Name shall have been omitted in any such List of Voters for any city or borough so to be made out by the Overseers as aforesaid, and who shall claim to have his Name inserted therein as having been entitled on the last day of July then next preceding, shall on or before the Twenty-fifth day of August in that year give or cause to be given a notice in writing according to the Form numbered (5.) in the said Schedule (II.) or to the like effect, to the Overseers of that parish or township in the List whereof he shall claim to have his Name inserted; and the Overseers shall include the Names of all Persons so claiming as aforesaid in a List according to the Form numbered (6.) in the said Schedule (II.).

Persons omitted from the Overseers' Lists to give notice of their Claims.

List of Claimants to be made.

25. And be it Enacted, That the Town Clerk of every such city or borough shall, on the Twentieth day of June in every year, cause to be fixed on or near the outer door of the Town Hall, or if there be no Town Hall, then to be fixed in some public and conspicuous situation within such

Town Clerk to give a notice requiring Freemen entitled to in vote to send their claims in certain cases.

such city or borough, a Notice in writing according to the Form numbered (8.) in the Schedule (II.), requiring all Persons entitled to vote as Freemen in the election of a Member or Members to serve in Parliament for such city or borough who shall not be upon the Register of Voters for the said city or borough then in force; and all Persons so entitled as Freemen, who, being upon such Register, shall not continue in the same place of abode as described in such Register, to deliver or transmit to the said Town Clerk, on or before the Twentieth day of July in that year, a Notice in writing by them signed of their Claim as such Freemen, according to the Form numbered (9.) in the said Schedule (II.); and the Town Clerk of every place sharing in the election of any city or borough shall, on the said Twentieth day of June in every year, in like manner give a like notice.

26. Town Clerks to prepare Lists of Freemen.

And be it Enacted, That the Town Clerk of every such city or borough shall on or before the last day of July in every year, make out, or cause to be made out, according to the Form numbered (9.) in the said Schedule (II.), an Alphabetical List containing the Names of all Persons who shall be upon the Register for the time being for such city or borough as Freemen; and also the Names of all Persons who shall claim as aforesaid to be inserted in the List as such Freemen; and in every such List so to be made by the said Town Clerk, the Christian Name and Surname of every Person shall be written at full length, together with the place of his abode, as set forth in such Register or Claim to vote respectively; and the Town Clerk of every place sharing in the election for any city or borough shall on the said last day of July make out or cause to be made out, in the same manner, a like List of all Persons upon the said Register, or claiming as aforesaid as Freemen of such place; and every such Town Clerk, if he shall have reasonable cause to believe that any Person who is upon the said Register for the time being, or any Person so claiming as aforesaid, is not entitled to have his name upon the Register then next to be made for such city or borough as a Freeman, shall have power to add the word "Objected" opposite the name of every such Person on the margin of the List; and shall also have power to add the word "Dead" opposite to the name of every Person, in the margin of such List, whom such Town Clerk shall have reasonable cause to believe to be dead; and every such Town Clerk shall sign such List, and shall cause a copy of every such List to be fixed on or near the outer door of the Town Hall, or if there be no Town Hall, in some public and conspicuous situation within such respective city, borough or place as aforesaid, on the Two Sundays next after such List shall have been made; and shall likewise keep a copy of such List, to be perused by any person without payment of any fee, at all reasonable hours during the Two first Weeks after such List shall have been made; and shall cause to be written or printed copies thereof, to be by him delivered to all persons applying for the same, on payment of a reasonable price for each

Town Clerks to have power of objecting to any Name in the List, and to add the word "Dead" against any Name.

Lists to be fixed on the Town Hall.

Copies of Lists to be kept for inspection and sale.

each copy: Provided always, That where there shall be no Town Clerk for such city, borough or place as aforesaid, or where the Town Clerk shall be dead or incapable of acting, all matters by this Act required to be done by and with regard to the Town Clerk, shall be done by and with regard to the Person executing duties similar to those of the Town Clerk, and if there be no such Person, then by and with regard to the Chief Civil Officer of such city, borough or place.

27. Persons named in the List may object to other Persons as not being entitled to be in the List.

And be it Enacted, That every Person whose name shall have been inserted in any List of Voters for any city or borough, may object to any other Person as not having been entitled on the last day of July then next preceding to have his name inserted in any List of Voters for the same city or borough; and every Person so objecting shall, on or before the Twenty-fifth day of August in that year, give or cause to be given a Notice in writing, according to the Form numbered (10.) in the said Schedule (II.), or to the like effect, to the Overseers who shall have made out the List in which the Name of the Person so objected to shall have been inserted; or if the Person objected to shall have been inserted in the List of Freemen of any city, borough or place as aforesaid, then to the Town Clerk of such city, borough or place: Provided always, That every such Notice of Objection shall be signed by the Person so objecting as aforesaid, and the ground or grounds of objection shall be stated therein.

Notices of Objection to be given to the Overseers, or in case of Persons on the List of Freemen to the Town Clerk.

Grounds of Objection to be stated in Notice.

28. Lists of Persons objected to, to be made.

Such Lists, and the List of Claimants, to be fixed on Churches and Chapels.

And be it Enacted, That the Overseers shall include the names of all Persons so objected to as aforesaid in a List according to the Form numbered (11.) in the said Schedule (II.), and shall cause copies as well of the said List of Persons objected to as aforesaid, as also of the said List of Persons claiming as before mentioned, to be fixed on or near the outer doors of all the Churches and Chapels within their parish or township, or if there be no Church or Chapel therein, then to be fixed up in some public and conspicuous situation within the same respectively, on the Two Sundays next preceding the Fifteenth day of September in such year; and every Town Clerk shall include the Names of all Persons so objected to as Freemen in a List according to the Form numbered (12.) in the said Schedule (II.), and shall cause a copy of such List be fixed on or near the door of the Town Hall, or if there be no Town Hall, then to be fixed up in some public and conspicuous situation within his respective city, borough or place as aforesaid, on the Two Sundays hereinbefore last mentioned in that year; and the Overseers and Town Clerks shall keep Copies of such Lists respectively, and shall allow the same, and also the Notices of Objection so to be given as aforesaid, to be perused by any Person, without payment of any fee, at all reasonable hours during the Ten Days next preceding the said Fifteenth day of September in that year, and shall deliver a copy of each of such Lists to any Person requiring the same, on payment of One Shilling for each copy.

Lists of Persons objected to as Freeman to be made and fixed on Town Hall.

Copies of Lists and Notices of Objection to be kept for inspection.

29. Overseers and Town Clerks to deliver Copies of Lists to the Returning Officer.

And be it further Enacted, That the said Overseers shall, on the Twenty-ninth day of August in that year, deliver to the Returning Officer of such city or borough a copy of the List of Voters so made out by them as aforesaid, and a copy of the List of Persons who shall have claimed as aforesaid, and a copy of the List of Persons objected to as aforesaid; and every such Town Clerk shall, on the said Twenty-ninth day of August, deliver to the said Returning Officer a copy of the List of Persons entitled to vote as Freemen so made out by him as aforesaid, and a copy of the List of Persons so objected to as Freemen as aforesaid.

30. Freemen and Liverymen of the City of London.

And be it Enacted, That for providing a List of such of the Freemen of the City of *London* as are Liverymen of the several Companies entitled to vote in the election of a Member or Members to serve in any future Parliament for the City of *London*, the Returning Officer or Officers of the said City shall, on or before the last day of July in the present and each succeeding year, issue Precepts to the Clerks of the said Livery Companies, requiring them forthwith to make out or cause to be made out, at the expense of the respective Companies, an Alphabetical List according to the Form in the Schedule (III.) to this Act annexed, of the Freemen of *London* being Liverymen of the said respective Companies, and entitled to vote in such Election; and every such Clerk shall sign such List, and transmit the same, with Two printed Copies thereof, to such Returning Officer or Officers, who shall forthwith fix One such Copy in the Guildhall and One in the Royal Exchange of the said City, there to remain Fourteen Days in the present and in every subsequent year; and the Clerks of the said Livery Companies shall cause a sufficient number of such Lists of Freemen and Liverymen of their respective Companies to be printed at the expense of the respective Companies, and shall keep the same to be perused by any Person, without payment of any fee, at all reasonable hours during the Two first Weeks after such Lists shall have been printed; and every Person whose Name shall have been omitted in any such List of Freemen and Liverymen, and who shall claim to have his Name inserted therein as having been entitled on the last day of July then next preceding, shall on or before the Twenty-fifth day of August in the present and in every succeeding year give or cause to be given a Notice in writing, according to the Form numbered (1.) in the said Schedule (III.), or to the like effect, to the Returning Officer or Officers, and to the Clerk of that Company in the List whereof he shall claim to have his Name inserted; and the Returning Officer or Officers shall include the Names of all Persons so claiming as aforesaid in a List, according to the Form numbered (2.) in the said Schedule (III.), and shall cause such last-mentioned List to be fixed in the Guildhall and Royal Exchange of the said City on the two Mondays next preceding the Fifteenth day of September in the present and in every succeeding year; and the said Returning Officer or Officers

and

and Clerks of the said Companies shall likewise keep a copy of the Names of all the Persons so claiming as aforesaid, to be perused by any Person, without payment of any fee, at all reasonable hours during the Ten Days next preceding the said Fifteenth day of September in the present and in every succeeding year; and every Person who shall object to any other Person as not having been entitled on the last day of July then next preceding to have his Name inserted in any such Livery List, shall, on or before the Twenty-fifth day of August in the present and in every succeeding year, give to such other Person, or leave at his usual place of abode a Notice in writing, according to the Form numbered (3.) in the said Schedule (III.), or to the like effect; and in the City of London the Returning Officer or Officers shall take the poll or votes of such Freemen of the said City, being Liverymen of the several Companies, as are entitled to vote at such Election in the Guildhall of the said city; and the said Returning Officer or Officers shall not be required to provide any booth or compartments, but shall appoint or take One Poll for the whole number of such Liverymen at the same place.

31. Lord Chief Justice and Judges of Assize to appoint Barristers for revising Lists.

And be it Enacted, That the Lord Chief Justice of the Court of King's Bench for the time being, shall, in the month of July or August in every year, nominate and appoint so many Barristers as the said Lord Chief Justice shall deem necessary, each such Barrister being of not less than Three Years' standing, to revise the respective Lists of Voters for the City of *London* and for the City of *Westminster*, and for the several boroughs in the County of *Middlesex*, and that the Senior Judge for the time being in the Commission of Assize for every other county, shall during the Summer Circuit in every year nominate and appoint so many Barristers as the said Judge shall deem necessary, each such Barrister being of not less than Three Years' standing, to revise the respective Lists of Voters, as well for the several cities and boroughs in every such county as for every city and town and county of a city and town next adjoining to any such county; and the town and county of the town of *Kingston-upon-Hull*, shall for this purpose be considered as next adjoining to the county of *York*, and the town and county of the town of *Newcastle-upon-Tyne* as next adjoining to the county of *Northumberland*, and the city and county of the city of Bristol as next adjoining to the county of *Somerset*; and the said Lord Chief Justice and Judge respectively shall have power to nominate and appoint one or more Barristers to revise the Lists for the same city or borough or other place as aforesaid, or one Barrister only to revise the Lists for several cities, boroughs and other places as aforesaid: Provided always, That no Member of Parliament, nor any Person holding any office or place of profit under the Crown, shall be appointed as such Barrister as aforesaid, and that no Barrister so appointed as aforesaid shall be eligible to serve in Parliament for Eighteen Months from the time of his appointment for any city, borough or other

place as aforesaid for which he shall be so appointed: Provided also, That nothing herein contained shall prevent the same Barrister from being appointed to revise the Lists for Two or more counties, ridings, parts or divisions, or for any county, riding, parts or division, and any one or more of the cities or boroughs therein.

32. Barrister to notify his appointment to Returning Officer, who is to transmit to him all Lists.

And be it Enacted, That every Barrister who shall hereafter be appointed to revise the Lists of Voters in any city or borough, shall, immediately upon his appointment, notify the same to the Returning Officer of every such city or borough, and such Returning Officer shall forthwith transmit copies of the Lists of Voters, and of Persons claiming to be inserted in such Lists, and of the Persons objected to, to the Senior Barrister, where more than one shall be appointed, in order that the said Barrister or Barristers may fix proper times for the holding his or their Courts for the revision of the List of Voters for such city or borough.

33. Barrister to hold Courts, and give notice thereof to the Returning Officer, who is to publish the same.

And be it Enacted, That the Barrister or Barristers so appointed to revise the Lists of Voters for any city or borough, shall hold an open Court or Courts for that purpose within such city or borough, and also within every place sharing in the election for such city or borough at the same time, between the Fifteenth day of September inclusive and the First day of November inclusive in every year, and such Barrister or Barristers shall Ten Days at the least before holding of such Court or Courts, give Notice to the Returning Officer of such city or borough of the time of holding the same; and the said Returning Officer shall forthwith cause a Notice thereof to be fixed up on the outer doors of all Churches and Chapels within such city, borough or place, and on the outer door of the Town Hall of such city, borough or place respectively, or if there be no Church or Chapel or Town Hall therein, then to be fixed up in some public and conspicuous place within the same respectively.

34. Returning Officer, Town Clerks and Overseers of the present and past year to attend the Courts.

And be it further Enacted, That the Returning Officer of every such city or borough, and the Town Clerk of every such city or borough or place sharing in the election therewith, and the several Overseers for the time being of every parish or township within every such city, borough or place as aforesaid, and also such of the Overseers thereof for the year then last past, as shall at the time of the holding of such Court be resident within such city or borough, and in the City of *London* the Clerks of the several Livery Companies of such city, shall attend the Court to be holden before every such Barrister for every such city, borough or place as aforesaid, and shall answer, upon Oath, all such questions as such Barrister may put to them, or any of them, touching any matter necessary for revising the Lists of Voters; and the said Overseers and Town Clerks respectively shall, at the opening of the said Court, deliver to the said Barrister the several Lists so made out

by

by them respectively as aforesaid, and also the original Notices of Claim, and the original Notices of Objection, so given to them as aforesaid; and the said Overseers shall also produce at the said Court all Rates made for the relief of the Poor of their respective parishes or townships, between the Thirty-first day of July in the year then last past and the Thirty-first day of July in the then present year; and every such Barrister shall have power to require any Assessor, Collector of Taxes, or other Officer having the custody of any Duplicate or Tax Assessment, or any Overseer or Overseers, or other Person, having the custody of any Poor Rate, to produce the same respectively before him at any Court to be held by him for the purpose of assisting him in revising the Lists to be by him revised in pursuance of this Act.

35. Powers of Barrister to insert and expunge Names.

And be it Enacted, That every such Barrister shall insert in the List of Voters the Name of every Person omitted therefrom, who shall be proved to the satisfaction of such Barrister to have given due Notice of his Claim to be inserted in any such List of Voters for such city or borough, and to have been entitled on the last day of July then next preceding to have his Name inserted therein in respect of the qualification described in such Claim; and such Barrister shall expunge from the List the name of every Person objected to in manner hereinbefore mentioned, in case it shall not be proved that such Person was entitled on the last day of July then next preceding to have his Name inserted in the List of Voters for the said city or borough, in respect of the qualification described in such List; or in case it shall be proved to the satisfaction of such Barrister that such Person was then incapacitated by law or by any statute from voting in the election of Members to serve in Parliament, and shall also expunge the name of every Person who shall be proved to him to be dead; and such Barrister shall correct any mistake which shall be proved to him to have been made in any such List as to any of the particulars required to be inserted in such Lists; and wherever the Christian Name, or the place of Abode, or the nature of the Qualification, or the local description of the Property of any Person who shall be included in any such List, shall be wholly omitted in any case where the same is by this Act directed to be specified therein, such Barrister shall expunge the Name of every such Person from such List, unless the matter or matters so omitted be supplied to the satisfaction of such Barrister before he shall have completed the revision of such List, in which case he shall then and there insert the same in such List: Provided always, That no Person's Name shall be expunged as aforesaid except in case of his death, or of any such omission as hereinbefore mentioned, unless the Party who shall have objected to such Person shall appear before the said Barrister, by himself or by some one in his behalf, in support of such objection, or in default of such appearance, some other Person, whose Name shall be in some List of Voters for the said city or borough, shall then and there

Mode of proceeding in cases of Objection.

Cities and Boroughs.

there appear to support such objection, and shall declare, by writing by him signed and delivered to the said Barrister, that he is willing to be deemed to be the party objecting in the place and stead of the party who shall have given the Notice of Objection as aforesaid, nor unless the said Barrister shall be satisfied that the Notice of Objection shall have been duly given as is hereinbefore required in each of the said cases: Provided also, That the said Barrister shall not inquire into, or allow any Objection to be inquired into, the ground whereof shall not have been stated in the said Notice.

Counties, Cities and Boroughs.

36. Power of Revising Barristers to adjourn their Courts, administer Oaths, &c.

And be it Enacted, That every Barrister holding any Court under this Act as aforesaid shall have power to adjourn the same from time to time and from any one place to any other place or places within the same county, riding, parts or division, or within the same city or borough, or within any place sharing in the election for such city or borough, but so as that no such adjourned Court shall be held after the First day of November in any year; and every such Barrister shall have power to administer an oath (or in the case of a Quaker or Moravian, an affirmation) to all Persons making objection to the insertion or omission of any Name in any of such Lists as aforesaid, and to all Persons objected to or claiming to be inserted in any of such Lists, or claiming to have any mistake corrected or any omission supplied in any of such Lists, and to all Witnesses who may be tendered on either side; and that if any Person taking any oath or making any affirmation under this Act shall wilfully swear or affirm falsely, such Person shall be deemed guilty of Perjury, and shall be punished accordingly; and that at the holding of such respective Courts the Parties shall not be attended by Counsel, and that every such Barrister shall upon the hearing in open Court finally determine upon the validity of such claims and objections, and shall for that purpose have the same powers, and proceed in the same manner (except where otherwise directed by this Act) as the Returning Officer of any county, city or borough, according to the laws and usages now observed at elections; and such Barrister shall in open Court write his Initials against the Names respectively struck out or inserted, and against any part of the said Lists in which any mistake shall have been corrected or any omission supplied, or the name of any polling place inserted, and shall sign his Name to every page of the several Lists so settled.

37. Judges to appoint additional Barristers in case of need.

And be it Enacted, That notwithstanding any thing herein before contained, if it shall be made to appear to the Lord Chief Justice or Judge who shall have appointed any Barrister or Barristers under this Act to revise the List of Voters, that by reason of the death, illness or absence of any such Barrister or Barristers, or by reason of the insufficiency of the number of such Barristers, or from any other cause, such Lists cannot be revised within the period directed by this Act, it shall

Counties, Cities and Boroughs.

shall be lawful for such Lord Chief Justice or Judge, and he is hereby required to appoint one or more Barrister or Barristers, each of such Barristers being of not less than Three Years' standing, to act in the place of or in addition to the Barrister or Barristers originally appointed; and such Barrister or Barristers so subsequently appointed shall have the same powers and authorities in every respect as if they had been originally appointed by such Lord Chief Justice or Judge.

38. County Lists to be transmitted to Clerk of the Peace, and to be by him copied into a Book.

And be it Enacted, That the Lists of Voters for each county, or for the riding, parts or division of each county so signed as aforesaid by any such Barrister, shall be forthwith transmitted by him to the Clerk of the Peace of the county, riding or parts for which such Barrister shall have been appointed; and the Clerk of the Peace shall keep the said Lists among the Records of the Sessions, arranged with every hundred in alphabetical order, and with every parish or township within such hundred likewise in alphabetical order, and shall forthwith cause the said Lists to be fairly and truly copied by the same order, in a book to be by him provided for that purpose; and shall prefix to every name so copied out its proper number, beginning the numbers from the first name, and continuing them in a regular series down to the last name, and shall complete and deliver such book on or before the Tenth day of November in every year to the Sheriff of the County or his Under Sheriff, who shall safely keep the same, and shall at the expiration of his office deliver over the same to the succeeding Sheriff or his Under Sheriff; and the Lists of Voters for each city or borough so signed as aforesaid by any such Barrister, shall be forthwith delivered by him to the Returning Officer for such city or borough, who shall safely keep the same, and shall cause the said Lists to be fairly and truly copied in a book to be by him provided for that purpose, with every name therein numbered according to the directions aforesaid; and shall cause such book to be completed on or before the Tenth day of November in every year, and shall deliver over such book, together with the Lists, at the expiration of his office, to the person succeeding him in such office; and every such book to be so completed on or before the Tenth day of November in every year shall be the Register of Electors to vote at any election which shall take place between the Tenth day of November inclusive, in the year wherein such respective Register shall have been made, and the Tenth day of November in the succeeding year.

Borough Lists to be delivered to the Returning Officer, and to be by him copied into a Book.

Such Books to be the Register of Voters for One Year.

39. Persons may be subpœnaed as Witnesses before the Courts of the Revising Barristers.

AND whereas it is expedient to make provision for compelling the attendance of Witnesses before the Courts of the Revising Barristers, for the purpose of being examined touching any matters cognizable before such Courts; BE it therefore Enacted, That the Clerk of the Crown Office of the Court of King's Bench at *Westminster*, and the Clerk of the Peace of every county, riding, part or division, shall and they

Counties, Cities and Boroughs.

they are hereby respectively required, upon the application of any Party requiring the same, to issue a Subpœna or Subpœnas for compelling the attendance of any Person or Persons before the Court of any Revising Barrister, to be examined touching any matter cognizable before such Court.

40. Proceedings against Persons subpœnaed who shall not attend the Court.

And be it further Enacted, That the service of every such Subpœna upon any Person shall be good and effectual to compel the attendance of such Person to be examined before such Court in every part of *England* and *Wales*; and in case the Person served shall not appear according to the exigency of such Subpœna, it shall be lawful for the Revising Barrister before whose Court such Person was in such Subpœna required to attend, to transmit a Certificate of such default under his hand to the Court of King's Bench in *England*, and this last-mentioned Court shall and may proceed against and punish such Person so having made such default, in like manner as they might have done if such Person had neglected or refused to appear in obedience to a Subpœna issued out of such Court: Provided always, That the said last-mentioned Court shall not in any case proceed against or punish any Person for having made default by not appearing to give evidence in obedience to any such Subpœna, unless it shall be made to appear to such Court that a reasonable and sufficient sum of money to defray the expenses of coming and attending to give evidence, and of returning from giving evidence, had been tendered to such Person at the time when such Subpœna was served upon such Person.

Counties.

41. Power to Barristers to fine High Constables for neglect of duty.

And be it Enacted, That if any High Constable within the meaning of this Act shall wilfully refuse or neglect to make and deliver his Precept as hereinbefore directed to the Overseers of any parish or township within his constablewick, or shall wilfully refuse or neglect to deliver with such Precept such a number of the Forms of Notices and Lists, and of the copies of the part of the Register relating to such parish or township, as he shall bonâ fide deem sufficient, or to deliver such additional number thereof as may be demanded of him by any Overseer as aforesaid, provided he has such additional number in his possession, or in case of his not so having them, shall refuse or neglect to apply forthwith to the Clerk of the Peace for such additional number, and to deliver the same to the Party so demanding the same within Three Days after his receipt thereof, or shall wilfully refuse or neglect to deliver to the Clerk of the Peace, as hereinbefore directed, the Copies of the Lists of Claimants, and of the Persons objected to, the Copies of the parts of the Register, and the original Notices of Objection by him received from the Overseers of the several parishes or townships within his constablewick, immediately after he the said High Constable shall have so received the same, or shall wilfully refuse or neglect (immediately after he shall have received from such Clerk of the Peace any Notice

Notice of the times and places of the holding of the Courts for the revision of the Lists of Voters for the county, riding, parts or division of a county as aforesaid) to cause a Notice thereof to be fixed up in some public and conspicuous situation at every place within his constablewick appointed for the holding of any such Court, or to give notice to the Overseers of the Poor of every parish or township within his constablewick of the time and place of holding such Court for the revising the List of such parish or township, or shall wilfully refuse or neglect to attend at every such Court holden for revising the List of any parish or township within his constablewick, every such High Constable offending in any one of the cases aforesaid, shall for every such offence be liable to pay a sum of money by way of Fine, not exceeding Five Pounds nor less than Twenty Shillings, to be imposed by and at the discretion of the Barrister holding any Court for the revision of the List of any parish or township as aforesaid within the constablewick of such High Constable.

Counties, Cities and Boroughs.

42. Power to Barristers to fine Overseers for neglect of duty.

And be it Enacted, That if any Overseer of any parish or township within the meaning of this Act, shall wilfully refuse or neglect to make out any List, or to cause to be fixed up any Notice or List, or copy of the part of the Register of Voters relating to his parish or township, at the time and in the manner required by this Act, or shall wilfully refuse or neglect to deliver to the High Constable the Copies of the Lists of Claimants and of persons objected to, and the Copies of the part of the Register of the original notices of objection as required by this Act, or shall wilfully refuse or neglect to deliver to the returning officer of the City or Borough the Copies of the several Lists as required by this Act, or shall wilfully refuse or neglect to attend the Court for revising the List of Voters of his parish or township, or shall wilfully refuse or neglect to deliver to the Barrister or Barristers holding any such Court, the several Lists so to be made out by them as aforesaid, and the original Notices of Claim and of Objection as respectively required by this Act, every such Overseer offending in any of such cases as aforesaid, shall, for every such offence, be liable to pay by way of fine, a sum of money not exceeding Five Pounds, nor less than Twenty Shillings, to be imposed by and at the discretion of any Barrister holding any Court for the revision of any List of the parish or township of such Overseer.

43. Fines, to whom payable, and to what purpose to be applied.

And be it Enacted, That whenever any such Fine shall be imposed on any High Constable for any such Offence as aforesaid, or on any Overseer for any such offence as aforesaid, where the same shall relate to the formation of the Register of Voters for any county, riding, parts or division of a county, such fine shall be paid to the use of the general rate of the county, riding, parts or division of a county in which the parish or township of such Overseer shall be situate; and wherever any such fine shall be imposed on any Overseer for any such offence as

aforesaid, where the same shall relate to the formation of the Register of Voters for any city or borough, such fine shall be paid to the use of the Poor's Rate of the parish or township of such Overseer; and it shall and may be lawful for any such Barrister so imposing any such fine as aforesaid, and he is hereby directed and empowered to order the Party offending to pay such fine to some Person to be by him the said Barrister authorized to receive the same, and to be applied by such Person for the use of the said county, riding, parts or division of a county, or for the use of the said parish or township, as the case may be, and such Barrister shall make his order or certificate in writing for hat purpose, according to the Form, Number in the Schedule to this Act annexed, or to the like effect.

44. Power to Barrister to give Costs in certain cases to Parties claiming or objecting.

And be it further Enacted, That in the revision of any List of Voters for any county, riding, parts or division of a county, if it shall appear to the Barrister holding the Court for that purpose that any Person objected to as hereinbefore mentioned had no reasonable and probable cause for making his claim to be inserted in such List, in every such case the said Barrister shall and he is hereby empowered to make and deliver to the Party objecting an order or certificate in writing for the payment to him, by the said Person so objected to as aforesaid, of any sum of money not exceeding the sum of Ten Pounds for costs; and that in the revision of any List of Voters for any county, riding, parts or division of a county, or for any city or borough, if any person objected to as hereinbefore mentioned shall appear before the Barrister holding the Court for that purpose, and shall defend his title to have been inserted in any such List, and it shall appear to such Barrister that he had no reasonable and probable cause for such defence, in every such case the said Barrister shall and he is hereby empowered to make and deliver to the party objecting an order or certificate in writing for the payment to him by the said Person so objected to as aforesaid of any sum of money not exceeding the sum of Ten Pounds for costs; and if any Person objecting as hereinbefore mentioned to any other Person as not having been entitled to have his Name inserted in such List, shall not appear, by himself or by some one in his behalf, in support of such objection before the Barrister holding his Court for that purpose, or if it shall appear to the said Barrister that the Person objecting had made such objection without any reasonable and probable cause, in all such cases the said Barrister shall and he is hereby empowered to make and deliver to the Person so objected to as aforesaid an order or certificate in writing for the payment to him, by the said Party objecting of any sum of money not exceeding the sum of Ten Pounds for costs: Provided always, That the said Barrister shall not in any case be empowered to order the payment to any party of any sum of money exceeding the costs actually incurred by him in support of his objection, or of his claim or title to vote, as the case may be.

And

45. Fines and Costs to be recovered by distress and sale of the Party's Goods.

And be it Enacted, That in case the Person ordered by any such order or certificate to pay any sum of money by way of Fine, or any sum of money as Costs as aforesaid, shall not forthwith pay the same according to such order or certificate, it shall and may be lawful for any Justice of the Peace of the county, riding, parts or division of a county, or for the city or borough, in the revising of any List, whereof the said Barrister shall have made such order or certificate, as the case may be, and every such Justice is hereby empowered and required, upon due proof to him made that a copy of the said Order or Certificate hath been served upon the Party thereby ordered to pay the sum of money therein mentioned, and that the said sum of money hath been duly demanded of him, and that he hath refused or neglected to pay the same, to cause the said sum of money to be levied by distress and sale of the goods and chattels of the said Party, together with the expenses of such levy, the overplus (if any) to be rendered by the Person making such levy to the owner of the goods and chattels on request; and the said Justice shall make his warrant for such levy under his hand and seal, according to the Form numbered in the Schedule to this Act annexed, or to the like effect, and no *Certiorari* or other writ or process for the removal of any such order or certificate or warrant, or any proceedings thereon, into any of His Majesty's Courts at *Westminster*, shall be allowed or granted: Provided always, That nothing herein contained as to any such Fine as aforesaid, shall in any way affect or abridge the right of action against any High Constable or Overseer, according to the form and effect of the said recited Act in that behalf.

46. Copies of the Registers to be printed for sale.

And be it Enacted, That the Clerks of the Peace shall cause to be printed Copies of the Registers of the Voters for their respective counties, ridings, parts or divisions of counties, and every such Clerk of the Peace shall deliver such respective Copies to all Persons applying for the same, on payment of a reasonable price for each Copy; and the Monies arising from the sale thereof shall be accounted for to the Treasurer of the respective county, riding, parts or division; and the Returning Officer of every city or borough shall cause to be printed Copies of the Register of the Voters for such city or borough, and shall deliver such Copies to all Persons applying for the same, on payment of a reasonable price for each Copy; and the Monies arising from the sale of all such Copies of the Registers of the Electors for every such city or borough shall be accounted for by every such Returning Officer to the Overseers of the several parishes and townships within the same, in proportion to the number of Persons placed on the Register of Voters for each parish or township, and shall be applied by the said Overseers to the same purposes as Monies collected for the relief of the Poor.

Counties.

47. Expenses of Clerks of the Peace and High Constables, &c. how to be defrayed.

And be it Enacted, That all Expenses incurred by the Clerk of the Peace on any county, riding, parts or division of a county in causing the Lists of the Voters for such county, riding, parts or division of a county to be copied out and made into a Register, and in causing Copies of such Register to be written or printed, and in otherwise carrying into effect the provisions of this Act; and that all Expenses incurred by the High Constables within such county, riding, parts or division of a county in carrying into effect the provisions of this Act, shall be defrayed by the Treasurer of such county, riding or parts, out of any public Money in his hands, and he shall be allowed all such payments in his Accounts: Provided always, That no Expenses incurred by any Clerk of the Peace or High Constable under this Act, shall be so defrayed, unless the Account thereof be laid before the Justices of the Peace at the next Quarter Sessions after such Expenses shall have been incurred, and the same be allowed by the Court.

Counties, Cities and Boroughs.

48. Expenses of Overseers, Returning Officers, &c. how to be defrayed.

And be it Enacted, That the Expenses incurred by the Overseers of any parish or township in making out, printing and publishing the several Notices and Lists directed by this Act to be done by them, and all other Expenses incurred by them in carrying into effect the provisions of this Act, shall be defrayed out of the Money collected or to be collected for the relief of the Poor in such parish or township; and that all Expenses incurred by the Returning Officer of any city or borough in causing the Forms of Precepts, Notices and Lists to be printed, and the Lists of the Voters for such city or borough to be copied and made into a Register, and in causing Copies of such Register to be written or printed, and all other Expenses incurred by him in carrying into effect the provisions of this Act, and that all Expenses incurred by any Town Clerk in carrying the provisions of this Act into effect, shall be defrayed by the Overseers of the Poor of the several parishes and townships within such city or borough or place sharing in the election therewith, out of the Money collected or to be collected for the use of the Poor in such parishes and townships, in proportion to the number of Persons placed on the Register of Voters for each parish or township; and provided always, That no Expenses by any Overseer of any parish or township under this Act or the said recited Act shall be so defrayed, unless the Account be laid before the Barrister at the Court held for revising the List of Voters for such parish or township, or some adjournment thereof, and be allowed by such Barrister.

49. Remuneration of Revising Barristers.

And be it Enacted, That every Barrister appointed to revise any Lists of Voters under this Act, shall be paid at the rate of Five Guineas for every day that he shall be so employed over and above his travelling and other expenses; and every such Barrister after the termination of his last sitting, shall lay or cause to be laid before the Lords Commissioners

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sioners of His Majesty's Treasury for the time being a statement of the number of days during which he shall have been so employed, and an account of the travelling and other expenses incurred by him in respect of such employment; and the said Lords Commissioners shall make an order for the amount to be paid to such Barrister.

Counties.

50. Provision as to the right of voting of Trustees and Mortgages.

AND whereas it was by the said Act enacted, that no Person should be allowed to have a Vote in the Election of a Knight or Knights of the Shire for or by reason of any trust, estate or mortgage, unless such Trustee or Mortgagee were in actual possession or receipt of the rents and profits of the same estate; and whereas doubts have arisen as to the true intent and meaning of such last-mentioned enactment; BE it therefore Declared and Enacted, That no such Trustee or Mortgagee shall vote in any such election, unless he be in actual possession or receipt of the rents and profits of the same estate to his own use and benefit.

Cities and Boroughs.

51. As to occupancy of any Tenement jointly with other Tenements.

AND whereas in and by the said recited Act it was enacted, that in every city or borough which should return a Member or Members to serve in any future Parliament, every Male Person of full age, and not subject to any legal incapacity, who should occupy within such city or borough or within any place sharing in the election of such city or borough, as owner or tenant, any house, warehouse, counting-house, shop or other building, being either separately or jointly with any land within such city, borough or place occupied therewith by him as tenant under the same landlord, of the clear yearly value of not less than Ten Pounds, should, if duly registered according to the provisions hereinafter contained, be entitled to vote in the Election of a Member or Members to serve in any future Parliament for such city or borough: AND whereas it was also enacted and provided, in and by the said recited Act, that no such Person should be registered in any year unless he should have paid, on or before the Twentieth day of July in such year, all the Poor's Rates and Assessed Taxes which should have become payable from him in respect of such premises, previously to the Sixth day of April then next preceding: AND whereas doubts have arisen as to the construction and meaning of certain parts of the said enactments; BE it therefore Declared and Enacted, That the occupation of any house, warehouse, counting-house, shop or other building, jointly with any other warehouse, counting-house, shop or other building, or with any number or combination of such premises, shall be deemed to be within the true intent and meaning of the said enactment.

52. Tenement occupied with Land must be of 5*l.* clear yearly value.

And be it also Enacted, That no Person who shall occupy within any city or borough, any building, not being a house, warehouse, counting-house or shop jointly with any land, shall be entitled to vote

in the Election of a Member or Members to serve in Parliament for any city or borough, in respect of the occupation of such premises, unless such building, when taken separately from such land, shall be of the clear yearly value of not less than Five Pounds.

53. As to Payment of Poor's Rate and Assessed Taxes.

And be it also Enacted, as to the payment of the Poor's Rates and Assessed Taxes, so required to be paid as aforesaid, That every Person so occupying such premises as in the said recited Act mentioned, may and shall be registered in any year if he shall have paid, on or before the Twentieth day of July in that year, all the Poor's Rates and Assessed Taxes which shall have become payable from him in respect of such premises during the Twelve calendar Months next before the Sixth day of April in that year.

54. How distances to be calculated.

AND whereas doubts have arisen as to the proper mode of computing the distance of Seven statute Miles in the said recited Act mentioned and therein prescribed, as to the residence of Voters for any city or borough; BE it therefore Enacted, That the said distance shall be computed by the nearest public way: Provided always, That in cases where there is now, or shall hereafter be, a Map of any city or borough andof the county or counties surrounding the same, to the extent of more than Seven statute Miles, published under the authority and direction of the Principal Officers of His Majesty's Ordnance, such distance may be measured and determined by the said Map.

55. Freeholders in New Shoreham, Cricklade, &c. need not be assessed to Land Tax.

AND whereas doubts have arisen whether, in order to entitle any Person to vote for the Borough of *New Shoreham*, or of *Cricklade*, *Aylesbury* or *East Retford* respectively, in respect of any freehold messuages, lands or tenements therein situate, it is necessary that the same should be assessed to the Land Tax; BE it therefore Declared and Enacted, That in order to entitle any Person to vote in any election of a Member to serve in any future Parliament in respect of any freehold messuages, lands or tenements situate within the Boroughs of *New Shoreham*, *Cricklade*, *Aylesbury* or *East Retford* respectively, it shall not be necessary that the same shall be assessed to the Land Tax, any statute to the contrary notwithstanding.

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56. Oaths of Allegiance, &c. not to be taken.

And be it further Enacted, That after the passing of this Act no Elector at any election shall be required to take the Oaths commonly called the Oaths of Allegiance, Supremacy or Abjuration, nor any Oath or Oaths required by any Act of Parliament to be taken in lieu thereof, any law or statute now in force to the contrary notwithstanding.

57. Clause (A.) Clause as to putting Questions at the Poll repealed.

AND whereas it was enacted in and by the said recited Act, that certain Questions might be put to every Voter at the time of his tendering his vote in any Election: And whereas doubts have arisen as to the

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the true intent and meaning of one of the said Questions, and it is expedient that the same should be removed, and for that purpose that all the provisions touching and concerning the said Questions, and the administering and taking of any oath at the time of polling should be repealed, and other provisions be enacted in lieu thereof; BE it therefore Enacted, That the said Provisions shall be and the same are hereby Repealed.

58.

CLAUSE (B.) No Inquiry at time of Election, except as to identity of the Voter, and whether he has voted before at same Election, and except as to his having the Qualification mentioned in the Register.

And be it Enacted, That in all Elections whatever of a Member or Members to serve in Parliament no inquiry shall be permitted at the time of polling as to the right of any Person to vote, except only as follows; (that is to say) that the Returning Officer or his respective Deputy shall, if required on behalf of any Candidate, put to any Voter at the time of his tendering his vote, and not afterwards, the following Questions, or any of them, and no other:

1. Are you the same Person whose name appears as *A. B.* on the Register of Voters now in force for the County of or for the Riding, Parts or Division of the County of or for the City or Borough of [*as the case may be.*]

2. Have you already voted, either here or elsewhere, at this Election for the County of or for the Riding, Parts or Division of the County of or for the City or Borough of [*as the case may be.*]

3. Have you the Qualification which is annexed to your name in the Register of Voters now in force for the County of or for the Riding, Parts or Division of the County of or for the City or Borough of [*as the case may be; the said Returning Officer or Deputy then and there specifying, as part of the said last-mentioned Question, in each case, the nature of the Qualification of the Voter, with the local and other description thereof, as stated and set forth in the Register.*]

And if any Person shall wilfully make a false answer to any of the Questions aforesaid, he shall be deemed guilty of a Misdemeanor, and shall and may be indicted and punished accordingly; and the Returning Officer or his Deputy, or a Commissioner or Commissioners to be for that purpose by law appointed, shall, if required on behalf of any Candidate at the time aforesaid, administer an Oath, or (in case of a Quaker, Moravian or Separatist) an Affirmation, to any Voter in the following form:

Oath to be taken if required.

You do swear [*or*, affirm, *as the case may be*] that you are the same Person whose name appears as *A. B.* on the Register of

of Voters now in force for the County of or for the Riding, Parts or Division of the County of or for the City or Borough of [*as the case may be*], and that you have not before voted, either here or elsewhere, at the present Election for the County of or for the Riding, Parts or Division of the County of or for the City or Borough of [*as the case may be.*]

So help you GOD.

No other Oath to be taken.

And no Voter shall hereafter at any such Election be required to take any Oath or Affirmation except as aforesaid, either in proof of his freehold or of his residence, age or other qualification or right to vote, any law or statute, local or general, to the contrary notwithstanding; and no Person who, being upon such Register, shall claim to vote at any such Election, shall be excluded from voting thereat, except by reason of its appearing to the Returning Officer or his respective Deputy, upon putting such Questions as aforesaid, or any of them, that the Person so claiming to vote is not the same Person whose name appears on such Register as aforesaid, or that he has previously voted at the same Election, or that he has not then the qualification which is annexed to his name in such Register, or except by reason of such Person refusing to take the said Oath, or make the said Affirmation, or to take or make the Oath or Affirmation against Bribery; and no Scrutiny shall hereafter be allowed by or before any Returning Officer with regard to any Vote given or tendered at any such Election; any law, statute or usage to the contrary notwithstanding.

No Scrutiny to be allowed.

59.

AND whereas in and by the said recited Act it is provided, that upon petition to The House of Commons, complaining of an undue Election or Return of any Member or Members to serve in Parliament, any Petitioner or any Person defending such Election or Return shall be at liberty to impeach the correctness of the Register of Voters in force at the time of such Election, by proving that in consequence of the decision of the Barrister who shall have revised the Lists of Voters from which such Register shall have been formed, the Name of any Person who voted at such Election was improperly inserted or retained in such Register, or the name of any Person who tendered his vote at such Election improperly omitted from such Register, and the Select Committee appointed for the trial of such Petition shall alter the Poll taken at such Election according to the truth of the case, and shall report their determination thereupon to The House, and The House shall thereupon carry such determination into effect, and the Return shall be amended or the Election declared void, as the case may be, and the Register corrected accordingly, or such other order shall be made as to The House shall seem proper: AND whereas doubts have arisen as to

to the true intent and meaning of the said enactment with respect to the power and authority of any such Committee to inquire into the validity or invalidity of the Vote of any Person being on the Register of Voters in force at the time of such Election; BE it therefore Enacted, That it shall and may be lawful for any such Committee to inquire into and decide upon the right to vote of any Person who being upon the Register of Voters in force at the time of such Election, shall have voted in such Election, in case the name of such Person shall have been specially retained upon such Register, or inserted therein by and in consequence of the express decision of the Barrister or Barristers who shall have revised the Lists of Voters from which such Register shall have been formed; and also that it shall and may be lawful to such Committee to inquire into and decide upon the right to vote of any Person who, being upon such Register, shall have voted in such Election, so far as the same may be disputed on the ground of personal incapacity at the time of his voting, under and by virtue of any statute now or hereafter to be in force, or on the ground of any other personal incapacity at the time of his voting, which may have arisen subsequently to the Thirty-first day of July next preceding the formation of the Register of Voters in force at the time of such Election, or on the ground of his not having at the time of his voting the qualification annexed to his Name in the said Register; but that, except in such cases or on such grounds as aforesaid, the Register of Voters in force at the time of such Election, shall be final and conclusive, to all intents and purposes, as to the right to vote in such Election of every Person who shall be upon such Register.

Power to Committees on Election Petitions to decide as to right of voting.

SCHEDULES to which this Act refers.

Schedule I.

FORMS FOR COUNTIES.

No. 1.

WARRANT of the Clerk of the Peace to the High Constable.

County of
to wit. } TO the High Constable [*or*, to one of the High Constables of the Hundred [*or other like district*] of within the said County.

You are hereby required to do as follows :

First, Within Ten days after the receipt of this Warrant you are to make out your precepts (the printed Forms of which are herewith sent to you) to the Overseers of the Poor of the several Parishes and Townships within your Constablewick; and you are within those Ten days to deliver one of your said precepts to the Overseers of the Poor of every such Parish and Township, together with a sufficient number of the printed Forms (herewith also sent to you), of the Notices and Lists, and of the Copies of such parts of the Register of Voters as relates to the Parish or Township of those Overseers, for their use; and if you find that the number herewith sent to you is not sufficient for all the places within your Constablewick, you are to apply to me for more.

Secondly.—On the Twenty-ninth day of August next, you are to receive from the Overseers of every Parish and Township within your Constablewick a copy of the List of Claimants in such Parish or Township, a copy of the part of the Register relating to such Parish or Township, and a copy of the List of Persons objected to as Voters therein, together with the original Notice of Objection; and immediately after receiving the same, you are to deliver all such Copies of Lists, parts of the Register and Notices of Objection to the Clerk of the Peace.

Thirdly.—Immediately after receiving Notice from the Clerk of the Peace of the times and places of the holding of the Courts for revising the Lists of Voters, you are to cause notice thereof to be fixed up in some public and conspicuous situation at every place within your Constablewick appointed for the holding of any such Court; and you are also to give Notice to the Overseers of every Parish or Township within your Constablewick of the time and place of holding the Court for revising

revising the List of such Parish or Township, requiring them to attend the same.

Fourthly,—You are to attend the Courts to be held for revising the Lists of any Parish or Township within your Constablewick.

If you omit any of these matters, you will be subject to certain penalties. Given under my hand, at in the said County, the day of

Clerk of the Peace for the said County, [Riding, &c.]

No. 2.

PRECEPT of the HIGH CONSTABLE to the OVERSEERS.

County of to wit. } TO the Overseers of the Poor of the Parish of [*or*, of the Township of]

By virtue of a Warrant from the Clerk of the Peace of the said County [Riding, &c.] unto me directed, you are hereby required to do as follows:

First.—On or before the Twentieth day of June next, you are to cause to be fixed on or near the outer doors of all the Churches and Chapels within your Parish [*or*, Township], or if there be no Church or Chapel therein, then to be fixed in some public or conspicuous situation within the same, a Notice (printed Forms of which are herewith sent), marked having first signed the same.

Secondly.—On or before the Thirty-first day of July next, you are to make out an alphabetical List of all Persons who, on or before the Twentieth of July then last past, shall have delivered or transmitted to you their claims as Voters for the County [Riding, &c.], in which your Parish [*or*, Township] lies, in respect of any property situate wholly or in part within your Parish [*or*, Township]; and in making out such List you are to write or cause to be written the christian name and surname of every such Person at full length, together with the place of his abode, the nature of his qualification and the local or other description of the Property, and the name occupying, according as the same are stated in the claim in the proper columns of the printed Form or List herewith sent. If you have reasonable cause to believe that any Person so claiming, or that any Person who is upon the part of the Register for your Parish [*or*, Township] herewith also sent, is not entitled to have his Name on the new Register about to be made, you are to add the word "objected" opposite his name in the margin of the List, or in the margin of the part of the Register; and you are also to add the word "dead" opposite the name of any person in the margin of such part of the Register whom you shall have reasonable cause to believe to be dead. Having done thus, you are to sign the said List of

Claimants, and to cause a sufficient number of Copies of such List to be written or printed, and then you are to cause one of such Copies of the said List, and also one Copy of the part of the said Register to be fixed on or near the outer doors of every Church or Chapel within your Parish [*or*, Township], or if there be no Church or Chapel there, then to be fixed in some public or conspicuous place situate within the same, on the Two Sundays next after the Thirty-first day of July next.

Thirdly.—You are to keep a Copy of such List of Claimants, and a Copy of such part of the Register, to be perused by any Person without payment of any Fee, at all reasonable hours during the Two first weeks of August, after the List shall have been made; and you are also to cause to be written or printed, Copies of the said List of Claimants, to be delivered to any Person applying for the same on payment of a reasonable price for such Copy.

Fourthly.—If you shall have added the word "objected" opposite the name of any Person in the List of Claimants, or in the part of the Register, you must on or before the Twenty-fifth day of August, give such Person a notice in writing according to the Form numbered (herewith sent); and in such Notice must be stated the grounds of objection, and it must also be signed by you, or one of you. If the Place of Abode of the Person objected to, as described in the List or part of the Register be not within your Parish [*or*, Township], you may send the Notice by the post on or before the Twenty-fifth day of August, directed to him at the Place of Abode stated in the List or part of the Register, but it must be sent free of postage, or the postage thereof must be paid.

Fifthly.—Immediately after the Twenty-fifth day of August next, you are to make out a List according to the Form numbered (herewith sent), containing the name of every Person against whom a Notice of Objection shall have been given to you, or any one of you, on or before that day; and you are to cause copies of such List to be fixed (in the same Places as the other List) on the Two Sundays next preceding the Fifteenth day of September next; and you are to keep Copies of such List of Persons objected to, to be perused by any Person without payment of any fee, at all reasonable hours during the Ten days next preceding the Fifteenth day of September next; and you are to deliver a Copy of such List to any Person requiring the same, on payment of One Shilling and Sixpence for each Copy.

Sixthly.—On the Twenty-ninth day of August next you are to deliver to the High Constable of the Hundred [*or*, like District] wherein your Parish [*or*, Township] is situate, a Copy of the List of Claimants, a Copy of the part of the Register, and also a Copy of the List of Persons objected to, together with the original Notices of Objection.

Seventhly.—You are to attend the Court to be held for revising the Lists relating to your Parish [*or*, Township]; and you are to deliver to the

the Barrister or Barristers holding such Court, the original Notices of Claim, and the List of Claimants, and the List of Persons objected to, so made out by you as aforesaid.

If you omit any of these matters, you will be subject to certain Penalties. Given under my hand this day of

High Constable.

No. 3.

NOTICE to be given by the OVERSEERS.

WE hereby give Notice, That all persons entitled to vote in the election of a Knight or Knights of the Shire for the County [*or*, for the Riding, &c.] of in respect of any property situate wholly or in part within this Parish [*or*, Township] who are not upon the Register of Voters now in force, or who being upon the Register shall not retain the same qualification, or continue in the same place of abode as described in such Register, are hereby required to deliver or transmit to us, or any one of us, a Notice in writing by them signed of their claim as such Voters according to the Form hereunder set forth. Any person who is upon the present Register may also make his claim, if he thinks fit; but it is not necessary that he should do so if he has the same qualification and place of abode as now described in the Register. Dated this day of

(signed) *A. B.*, *C. D.*, *E. F.* } Overseers of the Parish [*or*, Township] of

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No. 4.

FORM of NOTICE of CLAIM to be given to the OVERSEERS.

TO the Overseers of the Parish of [*or*, Township of]

I HEREBY give you Notice, That I claim to be inserted in the List of Voters for the County of [*or*, for the Riding, Parts, or Division of the County of *as the case may be*], and that the particulars of my place of abode and qualification are below. Dated the day of in the year

(signed) *John Adams.*

Place of abode, *Cheapside, London.*

Nature of qualification, freehold house, [*or*, warehouse, stable, land, field, annuity, rent-charge, &c. *as the case may be, giving such a description of the property as may serve to identify it.*]

Where situate in this Parish [*or*, Township], *King Street.* [*If the property be not situate in any street, lane, or other like place, then say*, "Name of the property, *Highfield Farm*," *or*, "Name of the occupying tenant, *John Edwards.*"]

No. 5.

County of to wit, [*or*, Riding, Parts, or Division of the County of *as the case may be.*] THE LIST of PERSONS entitled to vote in the Election of a Knight [*or*, Knights] of the Shire for the County of [*or*, for the Riding, Parts, or Division of the County of *as the case may be*], in respect of Property situate within the Parish of [*or*, Township, *as the case may be.*]

Christian Name and Surname of each Voter, at full Length.	PLACE of ABODE.	NATURE of QUALIFICATION.	Street, Lane, or other like Place in this Parish [or, Township] where the Property is situate, or Name of the Property, or Name of the Tenant.

(signed) *A. B.*, *C. D.*, *E. F.* Overseers of the said Parish [*or*, Township.]

No. 6.

NOTICE of OBJECTION, to be given to the OVERSEERS.

TO the Overseers of the Parish of [*or*, Township, *as the case may be.*]

I HEREBY give you Notice, That I object to the name of *William Ball* being retained in the List of Voters for the County of [*or*, for the Riding, Parts, or Division of the County of] Dated the day of in the year

(signed) *A. B.* of [*Place of abode.*]

No. 7.

FORM of NOTICE of OBJECTION, to be given to Parties.

To Mr. *William Ball, Market-street, Lancaster.*

I HEREBY give you Notice, That I object to your Name being retained in the List of Voters for the County of [*or*, for the Riding, Part, or Division of the County of] on the following ground: [*here must be stated shortly the ground of objection, as that the Party objected to has no Freehold, or that he has not had the Property for a sufficient time, or that it is not of sufficient value, or that he is personally disqualified as being a minor or officer of revenue, &c.*]

Dated this day of One thousand eight hundred and

(signed) *A. B.* [*Place of abode.*]

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No. 8.

NOTICE of OBJECTION to be given by the OVERSEERS to Parties to whom they have objected in the margin of the List, or part of the Register.

To Mr. *William Ball, Market-street, Lancaster.*

TAKE Notice, That the Overseers of the Parish of [*or*, Township of] have objected to your Name being retained in the List of Voters for the County of [*or*, for the Riding, &c.] on the following ground: [*here must be stated shortly the ground of objection.*]

Dated this day of One thousand eight hundred and

(signed) *A. B.*
One of the Overseers of

No. 9.

LIST of PERSONS objected to, to be published by the OVERSEERS.

THE following Persons have been objected to, as not being entitled to have their Names retained in the List of Voters for the County of [*or*, for the Riding, Parts or Division of the County of]

Christian Name and Surname of each Person objected to.	PLACE of ABODE.	Nature of the supposed Qualification.	Street, Lane, or other like Place, in this Parish [or, Township] where the Property is situate, or Name of the Property, or Name of the Tenant.

(signed) *A. B.*, *C. D.*, *E. F.* } Overseers of the Parish of [*or*, Township, *as the case may be.*]

Schedule II.

FORMS FOR CITIES AND BOROUGHS.

No. 1.

PRECEPT of the RETURNING OFFICER to the OVERSEERS.

City [or, Borough] of in the County of [or, Riding, &c.] (To wit.)

TO the Overseers of the Poor of the Parish of [*or*, to the Overseer of the Poor of the Township of]

You are hereby required to do as follows:—First, On or before the Twentieth day of June next you are to cause to be fixed on or near the outer doors of all Churches and Chapels within your Parish or Township, or if there be no Church or Chapel therein, then to be fixed in some public and conspicuous situation within the same respectively, a notice (printed Forms of which are herewith sent) marked No. 2.

Secondly.—On the Thirty-first day of July next, or within three days then next following, you are to make out or cause to be made out, an alphabetical List of all Persons who may be entitled to vote in the Election of a Member or Members to serve in any future Parliament for this City [*or*, Borough] in respect of the occupation of premises of the clear yearly value of Ten Pounds, situate wholly or in part within your Parish or Township; and another alphabetical List of all other Persons (except Freemen) who may be entitled to vote in the Election for this City [*or*, Borough] by virtue of any other right whatsoever; and in making out each of the said Lists you must write or cause to be written, the christian name and surname of every such Person at full length, together with the nature of his qualification; and when any Person shall be entitled to vote in respect of any property, you must state the name of the street, lane or other description of the place where such property may be situate; and when any Person shall be entitled to vote otherwise than in respect of any property, then you must state the name of the street, lane or other description of the place of abode of such Person; and after you have made out such Lists, you must sign them, and cause a sufficient number of copies thereof to be written or printed, and then you are to cause one copy of each List to be fixed on or near the outer doors of all the Churches and Chapels in your Parish or Township, or if there is no Church or Chapel therein, then you must cause them to be fixed in some public and conspicuous situation within the same, on the Two Sundays next after such Lists shall be made out.

Thirdly.

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Thirdly.—You are to keep copies of such Lists to be perused by any Person without payment of any fee, at all reasonable hours, during the first two weeks after such Lists shall have been made; and you are to deliver copies thereof to any Person applying for the same, on payment of a reasonable price for each copy.

Fourthly.—Immediately after the Twenty-fifth day of August next you are to make out two Lists; one, a List according to the Form numbered , containing the name of every Person who shall have given or have caused to be given to you, or any one of you, on or before that day, his claim to have his Name inserted in the List of your Parish [*or*, Township]; and also another List, according to the Form, numbered , containing the Name of every Person against whom a notice of objection shall have been given to you, or any one of you, on or before that day, as not being entitled to have his Name inserted in any List for your City [*or*, Borough]; and you are to cause one copy of each of such Lists to be fixed (in the same places as the other List), on the Two Sundays next preceding the Fifteenth day of September next.

Fifthly.—You are to keep Copies of these Lists, and you are to allow the same, and also the Notices of Objection, to be perused by any Person, without payment of any fee, at all reasonable hours, during Ten Days next preceding the Fifteenth September next; and you are to deliver a Copy of each of such Lists to any Person requiring the same, on payment of One Shilling for each Copy.

Sixthly.—On the Twenty-ninth of August next you are to deliver to the Returning Officer of your City or Borough, a Copy of the List of Voters, a Copy of the List of Persons who shall have claimed, and a Copy of the List of Persons objected to, so respectively made out by you as aforesaid.

Seventhly.—You are to attend the Court to be holden for the revision of the Lists of Voters for your City [*or*, Borough], and at the opening of such Court you are to deliver to the Barrister before whom the same shall be holden, the several Lists made out by you, and also the original Notices of Claim and of Objection.

If you omit any of these matters, you will be subject to certain penalties. Given under my hand this day of One thousand eight hundred

(signed) *A. B.*,
Returning Officer for the said Borough.

No. 2.

City [*or*, Borough] of in the County of To wit. } WE hereby give Notice, That no Person will be entitled to have his Name inserted in any List of Voters for this City [*or*, Borough], now about to be made in respect of the occupation of Premises of the clear yearly value of Ten Pounds, whether situate wholly or in part within this Parish [*or*, Township], unless he shall pay, on or before the Twentieth day of July next, all the Poors' Rates and Assessed Taxes which have become due from him in respect of such Premises, during the Twelve calendar Months next before the Sixth April last; and all Persons who omit to make such payment will be incapable of being upon the next Register of Voters for this City or Borough. Dated this day of One thousand eight hundred

(signed) *A. B.* } Overseers of the
C. D. } Parish [*or*, Township] of

No. 3.

THE LIST of PERSONS entitled to vote in the Election of a Member [*or*, Members] for the City [*or*, Borough] of in respect of Property occupied within the Parish [*or*, Township] of by virtue of an Act passed in the Second Year of the Reign of King WILLIAM the Fourth, intituled, "An Act to amend the Representation of the People in *England* and *Wales*."

Christian Name and Surname of each Voter at full length.	Nature of Qualification.	Street, Lane or other Place in this Parish, where the Property is situate.

(signed) *A. B.* } Overseers of the
C. D. } said Parish [*or*,
E. F. } Township.]

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No. 4.

THE LIST of all PERSONS (not being Freemen), entitled to vote in the Election of a Member [*or*, Members] for the City [*or*, Borough] of in respect of any rights other than those conferred by an Act passed in the Second Year of the Reign of King WILLIAM the Fourth, intituled, "An Act to amend the Representation of the People in *England* and *Wales*."

Christian Name and Surname of each Voter at full length.	Nature of Qualification.	Street, Lane or other Place in this Parish where the Property is situate. [If the Right of Voting does not depend on Property, then state the Place of Abode.]

(signed) *A. B.*, *C. D.*, *E. F.* } Overseers of the Parish of [*or*, Township] within the said City [*or*, Borough.]

No. 5.

NOTICE of CLAIM.

TO the Overseers of the Parish [*or*, Township] of

I HEREBY give you Notice, That I claim to have my Name inserted in the List made by you of Persons entitled to vote in the Election of a Member [*or*, Members] for the City [*or*, Borough] of and that my Qualification consists of a House in *Duke-street* in your Parish [*or otherwise, as the case may be.*] Dated the day of One thousand eight hundred and Thirty-

(signed) *John Allen*, of [*Place of Abode.*]

No. 6.

LIST of CLAIMANTS, to be published by the OVERSEERS.

THE following Persons claim to have their Names inserted in the List of Persons entitled to vote in the Election of a Member [*or*, Members] for the City [*or*, Borough] of

Christian Name and Surname of each Claimant at full Length.	Nature of Qualification.	Street, Lane, or other Place in this Parish, where the Property is situate. [If the Right does not depend on Property, state the Place of Abode.]

(signed) *A. B.*
C. D.
E. F.
} Overseers of, &c.

No. 7.

PRECEPT of RETURNING OFFICER to the TOWN CLERK.

City [*or*, Borough] of
in the County of
To wit.
} TO the Town Clerk of the City [*or*, Borough] of in the County of

YOU are hereby required to do as follows:—First, On or before the Twentieth day of June next you are to cause to be fixed, on or near the outer door of the Town-hall, or if there be no Town-hall, then to be fixed in some public and conspicuous place within your City or Borough, a Notice according to the Form numbered in the Schedule annexed to an Act of Parliament, intituled, "An Act for the more effectual Registration of Persons entitled to vote in the Election of Members to serve in Parliament for *England* and *Wales*"

Secondly.—On on before the Thirty-first day of July next, you are to make out, or cause to be made out, an alphabetical List, containing the names of all Persons who shall be upon the Register for your City or Borough as Freemen; and also the names of all Persons who shall have claimed to be inserted in the List as such Freemen according to the said Notice; and in making out such List, the christian name and surname of every Person is to be written at full length, together with the place of his Abode, as set forth in the Register or Claim respectively.

(*MS. not received by the Printers.*)

of every person against whom a notice of objection shall have been given to you on or before that day, and you are to cause a Copy of such List to be fixed in the same place as the other List on the Two Sundays next preceding the Fifteenth day of September next, and you are to keep Copies of such List, and are to allow the same, and also the notices of objection, to be perused by any Person without payment of any fee, at all reasonable hours during the Ten days next preceding the said Fifteenth day of September, and you are to deliver copies of such List, to any Person requiring the same, on payment of One shilling for each copy.

Fifthly.—On the Twenty-ninth day of August next you are to deliver to the Returning Officer of your City [*or*, Borough] a Copy of the List of Persons entitled to vote as Freemen, and a Copy of the List of Persons objected to as Freemen so respectively made out by you as aforesaid.

Sixthly.—You are to attend the Court to be holden for the revision of the Lists of Voters for your City [*or*, Borough]; and at the opening of the said Court you are to deliver to the Barrister before whom the same shall be holden, the several Lists so made out by you as aforesaid, and also the original Notices of Claim and of objection.

Given under my hand the day of
One thousand eight hundred and

A. B. Returning Officer.

No. 8.

City [*or*, Borough] of
in the County of
To wit. } NOTICE is hereby given, That all Persons entitled to vote as Freemen in the Election of a Member or Members to serve in Parliament for this City [*or*, Borough] who are not upon the Register of Voters now in force, or who being upon such Register do not continue in the same place of Abode as described in such Register, are to deliver or transmit to the Town Clerk of the said City [*or*, Borough] a Notice in writing by them signed, of their claim as such Freemen. according to the Form hereunder set forth. Dated this day of

A. B., Town Clerk of

No. 9.

To the TOWN CLERK of the City [*or*, Borough] of

I HEREBY give you Notice, That I claim to have my name inserted in the List made by you of Persons entitled as Freemen to vote in the Election of a Member [*or*, Members] to serve in Parliament for the City [*or*, Borough] of and that my qualification is as Freeman of and that I reside in street in this City [*or*, Borough]. Dated this day of One thousand eight hundred

(signed) *John Allen.*

No. 10.

NOTICE of OBJECTION.

To the Overseers of the Parish [*or*, Township] of
[*or*, to the Town Clerk of the City, or Borough of
or otherwise, as the case may be.]

I HEREBY give you Notice, That I object to the Name of *Thomas Bates* being retained in the List of Persons entitled to vote in the Election of a Member [*or*, Members] for the City [*or*, Borough] of on the following ground [*here must be stated strictly the ground of objection, as that the Party has not been rated long enough, or is not an Occupier of sufficient value, or that he is personally disqualified, &c.*] Dated this day of

(signed) *A. B.* of [*Place of Abode.*]

No. 11.

No. 11.

LIST of PERSONS objected to, to be published by the OVERSEERS.

THE following Persons have been objected to as not being entitled to have their Names retained in the List of Persons qualified to vote in the Election of a Member [*or*, Members] for the City [*or*, Borough] of

Christian Name and Surname of each Person objected to.	Nature of the supposed Qualification.	Street, Lane or other Place in this Parish where the Property is situate. [If the Right does not depend on Property, state the Place of Abode.]

(signed) *A. B.*, *C. D.*, *E. F.* } Overseers of, &c.

No. 12.

THE LIST of PERSONS objected to, to be published by the TOWN CLERKS.

THE following Persons have been objected to as having no right to be retained on the List of the Freemen of the City [*or*, Borough] of [*or*, of being a Place sharing in the Election with the City [*or*, Borough] of , entitled to vote in the Election of a Member [*or*, Members] for the said City [*or*, Borough].

Christian and Surname of each Person objected to.	Place of his Abode.

(signed) *A. B.* { Town Clerk of the said City [*or*, Borough, *or*, Place.]

Schedule III.

(Not received by the Printers.)

REGISTRATION OF VOTERS.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

FOR

The more effectual Registration of Persons entitled to Vote in the Election of Members to serve in Parliament in *England* and *Wales*.

(Prepared and brought in by Lord John Russell and Sir John Campbell.)

Ordered, by The House of Commons, *to be Printed,* 29 *August* 1835.

2 *June* 1835.

A

B I L L

To exclude the Borough of Stafford, in the County of Stafford, from sending Burgesses to serve in Parliament.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS notorious and systematic Bribery and Corruption have been proved to have long prevailed in the Elections for Members to serve in Parliament for the Borough of Stafford; Preamble.

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the Borough of Stafford, in the County of Stafford, shall, from and after the *passing of this Act*, cease to elect and return any Burgess or Burgesses to serve in the High Court of Parliament. Stafford to cease to return Members.

5 WILL. IV.—Sess. 1835.

A

B I L L

To exclude the Borough of Stafford, in the County of Stafford, from sending Burgesses to serve in Parliament.

(*Prepared and brought in by Mr. Divett and Mr. Henry Lytton Bulwer.*)

Ordered, by The House of Commons, *to be Printed,*
2 *June* 1835.

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11 *August* 1835.

(Ireland.)

A

B I L L

To amend the Law relative to the Registry of Voters in Ireland, and to taking the Poll at Elections, in that part of the United Kingdom, and to assimilate the same as nearly as may be to the Law in force in England and Wales.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble.

WHEREAS great difficulties have arisen from the present mode of ascertaining the qualification of Persons entitled to vote at the Election of Members to serve in Parliament for Ireland, and it is expedient to assimilate as nearly as may be the Law of Ireland with the Law of England, touching such qualification, and also touching the Registry of Voters and the mode of taking the Poll at Elections of Members to serve in Parliament; BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT notwithstanding any law now in force in Ireland, no Person whatever shall, after the *First* day of *March* next, be entitled or permitted to vote in the Election of any Member to serve in Parliament for any County, City, Town or Borough in Ireland, the Borough of the University of Dublin only excepted, unless he shall have been duly registered according to the provisions of this Act; and that from and after the said *First* day of *March* any Registry not made under the provisions of this Act, shall be null and void and of no effect; and that no Sheriff or other Returning Officer in Ireland shall, after the said *First* day of *March* next, receive or place on the Poll the vote of any Person by reason of any right, qualification, certificate or registry whatsoever, unless such Person shall have been duly registered pursuant to this Act.

1. After 1st of March next, no Person shall have right of Voting in any place in Ireland (except the University of Dublin) unless registered according to this Act, &c.

2. Clerk of Peace for each County shall on or before 5th January, in every year, deliver to Collector of Grand Jury Cess an alphabetical List of registered Voters, and Claimants to register, for such County.

And be it further Enacted, That for the purpose of forming a Register of all Persons entitled to vote at the Election of a Knight or Knights of the Shire to serve in Parliament for any county in Ireland, the Clerk of the Peace of each county in Ireland shall, on or before the *Fifth* day of *January* in the year *One thousand eight hundred and Thirty-six*, deliver to the Collector of the Grand Jury Cess of each Barony or Half Barony in his county, a correct alphabetical List of the Names of every Person who shall be then registered, or who shall have served a notice on him of his intention to claim to be entitled to register as a Person entitled to vote at the Election of a Knight of the Shire to serve in Parliament for such county, in respect of any Property situate wholly or in part in such Barony or Half Barony, or any qualification arising from or out of such Property, and whose name shall not have been ordered by a Committee of the House of Commons to be struck off the Poll, and shall in like manner deliver to such Collector, on or before the *Fifth* day of *January* in every succeeding year, a like List of the Names of every Person whose name shall appear on the revised Register hereinafter mentioned, made at the then last Revising Sessions, or who shall have served notice on him as hereinafter directed, of his intention to claim to be entitled to register as a Person entitled to vote at the Election of a Knight of the Shire to serve in Parliament for any county in Ireland, in respect of any Property situate wholly or in part in such Barony or Half Barony, or any qualification arising from or out of such property.

3. Any Person unregistered on 1st December in any year, and claiming to register as a Voter for any County, shall in December give to Clerk of Peace or Collector of Cess a notice of intention to register, and an alphabetical List of such Voters and Claimants shall be made and published by such Collector before 10th January in each year.

And be it further Enacted, That every Person who shall not be registered as a Voter on the *First* day of *December* in this or any succeeding year, and who shall claim a right to register as a Person entitled to vote at the Election of a Knight of the Shire to serve in Parliament for any county in Ireland, for or in respect of any Property situate wholly or in part in any Barony or Half Barony in such county, or any qualification arising from or out of such Property, shall, on some day in the month of *December* next, or on some day in the month of *December* in any succeeding year, such day not being Christmas-day or Sunday, deliver or cause to be delivered to the Clerk of the Peace of the county, or to the Collector of the Cess of such Barony or Half Barony, or leave at the usual place of abode of such Collector, or the office of such Clerk of the Peace, a notice in writing of such his intention, stating his name and residence, the right in which he intends to apply, and the nature of the qualification relied on by him as entitling him to be registered; and such Collector shall, before the *Tenth* day of *January* next, and before the *Tenth* day of *January* in every succeeding year, make out an alphabetical List, including the Names of the Persons named in the List furnished to him by the Clerk of the Peace, and the Names

of

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of the Persons so claiming to be registered, who have served notice on him of their intention to claim, and shall, within such period as aforesaid, cause a copy thereof to be fixed on or near the door of every Church and Chapel within his Barony or Half Barony, and shall also cause a copy thereof to be deposited with the Clerk of the Petty Sessions, in case there shall be any such Clerk in such Barony or Half Barony, and another copy thereof to be deposited with the Clerk of the Peace of such county, and in the List, to be furnished by the Clerk of the Peace to the Collector, and in the List so to be printed, the christian name and surname of every Person so claiming to be entitled to register, and the place of his abode, shall be written or printed at full length, and the nature of his qualification shall be accurately stated according to the description thereof in his notice.

Copy of such List to be deposited with Clerk of Session, and Clerk of the Peace.

4.

Such Collector shall notify in List any Voters who have died or become disqualified.

And be it further Enacted, That in case such Collector of Grand Jury Cess shall know or believe that any Person whose name is mentioned in the List so furnished to him by the Clerk of the Peace has died, or has ceased to hold the property or qualification in respect whereof he was admitted to register, he shall state in a separate column on each of the said Lists so directed to be made out by him, the fact of such death, or the determination of such qualification, and the Clerk of the Peace shall carefully preserve the copies of such List so directed to be lodged with him, and shall allow any Person or Persons who may require so to do to inspect the said Lists, or any of them, during the hours for which his office is by law to be kept open, and shall furnish to any Person or Persons who may require the same a copy thereof, or of any portion thereof, on being paid for the same the sum of *One* Shilling.

Copy of List to be open for inspection at office of Clerk of the Peace;

5.

Town Clerk and Clerks of Peace having custody of Affidavits relating to registry of Voters for any City, Town or Borough, shall on 10th January in each year, publish an alphabetical List of such Voters, and Claimants to Vote, for such City, Town or Borough.

And be it further Enacted, That the respective Town Clerks of the cities of Dublin, Cork, Limerick, Waterford, Londonderry and Kilkenny, and the Town Clerk of any other city, town or borough in Ireland, entitled to return a Member or Members to serve in Parliament, having the custody of the Affidavits relating to the Registry of Voters for such city, town or borough; and every Clerk of the Peace of any county in Ireland, in which a borough having the right to return a Member to serve in Parliament is situated, who, as such Clerk of the Peace, has or shall have the custody of the Affidavits relating to the Registry of Voters for such borough, shall on the *Tenth* day of *January* next cause to be posted on or near the door of every Church and Chapel in such city, town or borough, an alphabetical List of the Names of every Person who shall be then registered as entitled to vote at an election of a Member or Members to serve in Parliament for such city, town or borough, and whose names shall not have been ordered by a Committee of the House of

Commons to be struck off the poll; and of every Person who shall have served notice on such Town Clerk or Clerk of the Peace respectively before the *First* day of *January* next, of his intention to claim to be entitled to register, and shall on the *Tenth* day of *January* in every succeeding year, in case such day shall not fall on a Sunday, and in that case on the *Eleventh* day of *January*, cause to be posted at or near the door of every Church and Chapel in such city, town or borough, an alphabetical List of the Names of every Person whose name shall appear on the Register hereinafter mentioned, made at the then last revising Sessions for such city, town or borough, as a Person entitled to vote at an election for such city, town or borough, and of every Person who shall have served notice on such Town Clerk or Clerk of the Peace respectively, before the *First* day of *January* then last, of his intention to claim to be entitled to register, and shall also cause copies thereof to be delivered to the Churchwardens of each parish within such city, town or borough, and shall cause copies to be posted on the Sessions-house and Market-house, if any, within such city, town or borough, and such other conspicuous and public places within such city, town or borough respectively, as he may think fit; and in such List the christian name and surname of every Person claiming to register, and the place of his abode, shall be written or printed at full length, and the nature of his qualification shall be accurately stated according to the description thereof in his Notice; and a copy of such List shall be kept in the office of such Town Clerk and Clerk of the Peace; and such Town Clerk and Clerk of the Peace shall allow any Person or Persons who shall require so to do, to inspect said Lists or any of them, during any of the hours for which his office is by law required to be kept open or shall be open, and shall furnish to any Person or Persons who shall require the same, a copy of such List, or of any portion thereof, on being paid for the same the sum of *One* Shilling: Provided always however, That after the formation of the Register to be made as in this Act mentioned, no Person whose name shall be on such Register for the time being, shall be required to make any such claim as aforesaid, so long as he shall retain the qualification in respect whereof he was registered; and that no Person who on the *First* of *December* next shall be a registered Voter for any county, city, town or borough, according to the laws now in force, shall be required to make any such claim, but every Person whether so registered, or whose name shall appear on said Register, shall be at liberty, if he shall think fit to serve such Notice, claiming to be entitled to register in such right as he may think proper.

Copy of such List to be deposited in the office of Town Clerk and Clerk of Peace, and open for inspection.

When Registry shall be formed, no Voter thereon, &c. shall be required to claim so long as he shall retain the Qualification in respect whereof he shall be registered, &c.

6. Compensation to Assistant Barristers under 3 & 4 W. 4. c. 88, s. 67, to cease.

AND whereas by an Act passed in the second and third years of the reign of His present Majesty, intituled, "An Act to amend the Representation of the People of Ireland," it is declared, that in order

to

to provide a remuneration for the Assistant Barristers or Chairman, for the additional labour imposed on them by said Act, it should be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland to direct that the said Assistant Barristers and Chairman should be paid, in addition to the salaries then receivable by them, such yearly sum, not exceeding in any case the sum of One hundred Pounds, at the discretion of the Lord Lieutenant or other Chief Governor or Governors, as he or they should by warrant under his or their hand direct, such additional salaries to be payable at the time and in the same manner as to salaries of said Barrister were then payable: AND whereas the said Assistant Barristers and Chairman will, under the provisions of this Act, cease to discharge the duties imposed on them by the said recited Act; BE it further Enacted, That from and after the *First* day of *January next*, the said additional salary shall not be payable to any Assistant Barrister or Chairman, and that it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, by warrant under his or their hand or hands, from time to time to nominate and appoint *Eleven* practising Barristers admitted to the degree of Barrister in Ireland, at least *Five* Years before such appointment to be Revising Barristers, for the purpose of revising the said Lists, in the manner hereinafter mentioned; and none of such Barristers shall be capable of being so appointed, unless he shall have practised as a Barrister for *Five* Years, and each of such Barristers shall not so long as he shall hold such office, or for *Seven* Years after he shall cease to hold it, be capable of being elected as a Member to serve in Parliament for any county, city, town or borough in which he shall have exercised jurisdiction under this Act as such Revising Barrister.

Lord Lieutenant may appoint Barristers of not less than Five Years' standing to revise Lists, &c.

7.

Lord Lieutenant may divide Counties, &c. into Districts, and appoint places therein for holding Special Sessions for revising said Lists.

And be it further Enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland from time to time to divide the several Counties, Cities, Towns and Boroughs in Ireland into Circuits or Districts for the purposes of this Act, and to change or alter such division, and to appoint as many places in each county or city as he or they may think expedient for holding Special Sessions for the purpose of revising the said Lists, and to direct such of the said Barristers as he may think proper to proceed on such circuit or district, and to attend at said places or any other for that purpose, and such Barristers shall and they are hereby required to attend accordingly at such time and place as shall be so appointed for the purpose aforesaid; and notice of the divisions of said Counties and Cities into Circuits or Districts, and of the appointment of the places for holding such Sessions in each county, city, town and borough, and of the time of holding such Sessions at each place, shall be published in the Dublin Gazette

Notice thereof to be published in Dublin Gazette, and in a Newspaper published in such County, &c., and to be posted.

Gazette before the *Fifth* day of *January* in each year, and a copy of such Gazette shall be transmitted to every Clerk of the Peace in Ireland, and to every Town Clerk in Ireland having the custody of the affidavits relating to the Registry of Voters in any city, town or borough; and such Clerk of the Peace shall before the *Fifteenth* day of *January* in each year cause so much of such notice as relates to the holding of Sessions in the county of which he is Clerk of the Peace, or any borough therein, to be published *Three* times in some Newspaper published in such county, and shall cause copies thereof to be posted in the same places in each borough in which he is required to post said List of Voters, and shall deliver a copy thereof to each Collector of Grand Jury Cess in his county; and such Collector shall, within *Three* Days after receiving the same, cause a copy thereof to be posted on or near the door of every Church and Chapel in his Barony; and every such Town Clerk shall before the *Fifteenth* of *January* in every year cause so much thereof as relates to holding Sessions in his city, town or borough to be published *Three* times in some Newspaper published in such city, town or borough, if any such is published therein, and if not, in the Newspaper published nearest to such city, town or borough, and shall cause copies thereof to be posted at the several places in such city, town or borough in which he is required as aforesaid to post the Lists of Voters.

Revising Barrister shall attend at such places, and investigate Claims to register.

8. And be it further Enacted, That the Revising Barrister shall attend at the several places in each county, city, town or borough so to be appointed at the times mentioned in such notice, and that the Clerk of the Peace and Town Clerk respectively, or a sufficient deputy by him appointed for that purpose, shall also attend thereat, and the Clerk of the Peace shall bring with him one of the Lists so deposited with him by the Collector of Grand Jury Cess, and the said Collector shall also attend at said Sessions, and the Town Clerks and Clerks of the Peace shall bring with them the Lists which they are respectively required to make out in relation to Voters in cities, towns, and boroughs; and the said Revising Barrister shall at the time mentioned in said notice proceed in open court to examine into the right of the Persons so claiming to be registered to have their names added to the Register; and the Clerk of the Peace or Town Clerk, or his deputy, shall call the names of such claimants as entered in such alphabetical List, and the names of all Persons who do not appear when first called, shall be called at least *Three* times, and the said Revising Barrister shall proceed to register such claimants, or to reject their claim in the manner required by said recited Act, passed in the second and third years of the reign of His present Majesty, intituled, "An Act to amend the Representation of the People of Ireland," save so far as any of the Provisions of such Act are altered by this Act.

Clerk of Peace, Town Clerk, or Deputy, and Collector of Cess, shall attend thereat with Lists.

And

9. Revising Barrister shall examine objections to qualification of Voters occurring since former revision.

And be it further Enacted, That the said Revising Barrister shall also revise the List of the Names of the Persons now registered, or who shall appear on the Register hereby directed to be kept, as having been registered by the Revising Barrister under this Act; and shall examine into any objection which may be made to the right of any such Person to have his name continued on such Register, provided it shall appear to such Barrister that such objection is founded on some matter respecting the qualification of such Voter, which occurred since the former revision or registry, and that a notice in writing was served on such Voter, or left for him at his place of abode, as mentioned in the Register, by or on behalf of the Person so objecting, *Six* Days at the least before the *First* day of holding such Session, stating the nature of such objection, and that it would be insisted on before such Revising Barrister, but not otherwise; and provided further, That such Barrister shall not be at liberty to attend to or allow any objection whatsoever which existed or might have been made to such Voter at any prior registry or Revising Session.

10. Collector of Municipal Taxes shall attend at such Sessions, and produce Books, &c. showing Sums assessed in any City, Town or Borough, and Persons liable to pay the same.

And be it further Enacted, That the Collector of every Municipal Charge, Rate or Cess, payable in any city, town or borough, for which any such Revising Session shall be held, shall and is hereby required to attend before the Revising Barrister at such Sessions, and to produce, when required by such Barrister or any registered Voter, all books, vouchers and documents in his possession, showing the amount of the sums assessed for such rates, charges and cesses, on any premises within such city, town or borough, and the Persons liable to pay the same, or the payment thereof; and if it shall appear to any Revising Barrister at any such Session, that any registered Voter, or any Person claiming to be registered as a Voter for such city, town or borough owes more than *one-half* year of municipal taxes, rates or cesses, assessed on or payable by him, and that such notice as aforesaid of an objection on that account to his right to be registered as a Voter has been served, it shall and may be lawful for the said Barrister and he is hereby required to strike the name of such Voter off the Register, or to refuse to admit his claim as a Voter, as the case may be.

Defaulters for more than Six Months to be struck off the Register, &c.

11. Revising Barrister to strike the Names of Voters dying, or becoming disqualified, off the Register.

And be it further Enacted, That if it shall appear to such Revising Barrister, at the first Sessions under this Act, that any Person heretofore duly registered, has been deprived of or has parted with the property or other qualification in respect whereof he was registered, since he was so registered, or if at any future Session it shall appear that any Person whose name appears on the then last Register as a person entitled to vote, has been deprived of or has parted with the property or other qualification in respect whereof he was so placed on the Register since he was so placed thereon, and that in each case

such notice as aforesaid was served, stating that such objection would be insisted on before him, it shall be lawful for the said Revising Barrister to strike his name out of the List of registered Voters; but such Person may at that or any other Sessions be registered as a Voter in respect of any other qualification, on giving due notice of his claim to register, and in like manner such Revising Barrister may strike out of such Register the name of any Person who has died since he was registered.

Not to prejudice Claims to register in respect of any other qualification.

12.

Revising Barrister shall cause corrected List, certified by his Signature, to be preserved among Records of County, and Clerk of the Peace or Town Clerk shall cause a general Registry of Voters to be made therefrom and published within Six Days after the Revising Session.

And be it further Enacted, That the said Revising Barrister shall, after having so examined the List of Voters, and Persons claiming to vote, strike out of such List the names of such Persons as he shall not consider entitled to be placed or remain thereon, and shall cause a fair copy of such corrected List to be made out by the Clerk of the Peace, or Town Clerk, or his deputy, and shall sign such copy as well as the original corrected List, and return the same to the Clerk of the Peace or Town Clerk, who shall carefully preserve the same among the records of the county, city, town or borough; and said Revising Barrister shall certify at the bottom of such List that he revised the same at such time and place as he may have done so; and shall state the number of Voters thereby appearing to be registered; and so soon as the several Sessions in each county, city, town or borough shall have concluded, the Clerk of the Peace or Town Clerk, as the case may be, shall cause one general Register of all the Persons whose names appear on such revised Lists respectively as Persons entitled to vote, to be made out, in which the names shall be entered in alphabetical order and numbered, and in counties distinguishing the Voters in each Barony or Half Barony, and such Register shall be signed by the Clerk of the Peace or Town Clerk respectively; and the Clerk of the Peace shall within *Six* Days after the last day of holding any Revising Session in his county, cause the Register for the county to be printed, and shall cause copies thereof to be posted in some conspicuous places within each borough and market town in said county, and shall transmit *Ten* Copies of so much thereof as relates to each Barony or Half Barony, to the collector of Grand Jury Cess of such Barony or Half Barony who shall cause the same to be posted at or near the door of each Church and Chapel in his Barony or Half Barony; and such Clerk of the Peace shall give on demand to any Person who shall demand the same a copy of such printed List, or any part thereof, on being paid the sum of *One* Shilling for the same; and the said Clerk of the Peace shall within *Six* Days after the termination of any Revising Sessions for any borough in his county, at which he is as aforesaid required to attend, and respecting which he is required to make out Lists, and the Town Clerk of each city, town or borough, who is as aforesaid required to make out a List of Voters, and attend at such sessions, shall, within *Six* Days after

after the termination of such Revising Session for his city, town or borough, cause such corrected Register to be printed; and such Clerk of the Peace and Town Clerk respectively shall cause copies of such corrected Register, signed by them respectively, to be posted at or near the door of every Church and Chapel within such city, town or borough, and at such other places as they respectively are required to post the Lists of the Voters, and shall furnish on demand, to any Person or Persons who shall require the same, a copy of such corrected Register, or any part thereof, on being paid the sum of *One* Shilling for the same.

13. No Person allowed to object to Voter or Claimant, or to appeal against decision of Revising Barrister who shall not be himself a Voter.

And be it further Enacted, That no Person shall be received or allowed to object to any Voter or Person claiming to vote, or to appeal against any decision of such Revising Barrister, who shall not be himself a registered Voter for the county, city, town or borough, or some Counsel or Agent duly authorized by him; and it shall and may be lawful for any such Revising Barrister, if he shall think fit, and for any Judge of Assize, on any appeal to him, to award such sum, not exceeding *Forty* Shillings, as he shall think fit, as costs to the Person whose vote has been objected to, and to direct such costs to be paid by the Person so objecting; and such Barrister and Judge shall have power, and are hereby respectively authorized to issue a decree for payment of such costs, which shall have the same force, and be executed in the same manner, as any decree of an Assistant Barrister or Judge of Assize, on the hearing of a Civil Bill or an Appeal from the decision of an Assistant Barrister.

Costs may be awarded to Voter or Claimant, to be paid by Person objecting or appealing.

14. Revising Session shall commence on 20th January, and terminate on 1st March in each year, unless Lord Lieutenant shall direct its further continuation.

And be it further Enacted, That each Circuit of such Revising Barrister shall commence on the *Twentieth* day of *January* in each year, unless such day shall happen to be Sunday, and then on the next day, and shall terminate on or before the *First* day of *March* in each year, unless the Lord Lieutenant or other Chief Governor or Governors shall, for any special reason to be specified in the order for that purpose, direct the Revising Session for any place or places to be continued beyond that day; and the Revising Barrister shall have power, in case any exigency shall render it necessary so to do, to adjourn any such session to any day within such period, and to proceed to revise such List at such adjourned sessions; and he shall, at the time of making such adjournment, deposit with the Clerk of the Peace a statement in writing, signed by him, specifying such exigency, and the reasons for such adjournment.

15. Persons duly registered under this Act shall be entitled to Vote at any Election held before

And be it further Enacted, That every Person whose name shall be entered on said corrected Register, at any Session under this Act, shall be thereupon forthwith entitled to vote at any Election to be held

the 1st March in the next succeeding year, or at which polling shall have commenced before that day, unless previously disentitled by Revising Barrister, &c.

held for the county, city, town or borough for which such Voter shall be registered, at any time before the *First* of *March* in the next succeeding year, or at which the polling shall have commenced before that day, unless his Name shall have been in the meantime struck off the Register by a Revising Barrister, at a sessions held under this Act, or by a Judge of Assize on an appeal as herein directed, or by an order of a Committee of the House of Commons; and the right of such Person to vote at such Election shall not be questioned or examined by the Returning Officer, save as hereinafter mentioned, nor shall his right to be a registered Voter for such period be in any manner questioned: Provided always, however, That if such Voter shall, after such Registry, become, by any matter or thing occurring subsequent to such registry, disqualified from voting at an Election of a Member to serve in Parliament, or if he shall, after such registry, have lost or been deprived of or parted with the qualification in respect whereof he was registered, it shall and may be lawful for any Committee of the House of Commons, or any Tribunal appointed to try the merits of any Petition complaining of an undue Return at an election at which such Voter shall have polled, to strike his name off the poll; but such Committee or Tribunal shall not inquire as to his right to be registered or placed on the Register.

16. Salary of Revising Barristers 300 *l.* a year.

And be it further Enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, by warrant under his or their hand or hands, to order and direct that a sum not exceeding the sum of *Three hundred* Pounds per annum shall be paid to each of such Revising Barristers as and for his salary, and in lieu of all expenses to be incurred by him in travelling, or otherwise in discharging the duties of his said office, and such salary shall be payable on the *First* day of *April* in every year to the Revising Barrister, who may have gone the next preceding circuit, or his representatives; and in case any of such Revising Barristers shall die during any such circuit, the said salary shall be apportioned between his representatives and the person who shall succeed him, or the person who shall have performed the duties of such deceased Barrister, in such manner as the Lord Lieutenant or other Chief Governor or Governors of Ireland shall think fit.

17. In case of illness of Revising Barrister, Lord Lieutenant may appoint a locum tenens.

And be it further Enacted, That in case any of the said Revising Barristers shall be at any time prevented by illness, or any other sufficient cause, from going or proceeding on any such circuit, or any part thereof, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, by warrant under his or their hand or hands, to appoint some other practising Barrister or Barristers of like standing at the Bar, to proceed in the place

place of the Person or Persons so incapable of proceeding on such circuit, and such newly appointed Barrister shall have the same powers in all respects as the Person or Persons in whose stead or place he or they may have been appointed, and his appointment shall be in force during the whole of such circuit, or until the Lord Lieutenant or other Chief Governor or Governors of Ireland shall revoke the same, and the said Barrister or Barristers shall be entitled to and receive for such circuit or the portion thereof which he shall proceed on, the salary payable to the Revising Barrister in whose place he shall have been appointed, or such portion thereof as the Lord Lieutenant or other Governor or Governors of Ireland shall direct, by warrant under his or their hand or hands, and the residue, if any, shall be paid to the said Revising Barrister so incapable of proceeding on said circuit.

18. If Revising Barrister shall die, &c. during the Session, the same shall be adjourned for not exceeding One Week, and Notice thereof transmitted to Lord Lieutenant, who may appoint another Barrister or Revising Barrister to proceed thereto.

And be it further Enacted, That in case any of the said Revising Barristers shall die after he shall have proceeded on any of said circuits, and before the same be concluded, or shall become incapable from illness of proceeding on such circuit, and in case, in consequence thereof, or from any other cause, the Revising Barrister shall not attend at the places mentioned in the Notice hereinbefore directed, for the purpose of revising such List, the Clerk of the Peace, or Town Clerk, or his deputy, attending such Session, shall and may and he is hereby required to adjourn every such Session for any time not exceeding *One* Week, and to immediately transmit to the Lord Lieutenant or other Chief Governor or Governors of Ireland a statement in writing signed by him, stating such adjournment and the cause thereof; and in case such Lord Lieutenant or other Chief Governor or Governors shall direct or appoint any other Revising Barrister, or any other Barrister, to proceed to such adjourned Sessions, the several proceedings hereinbefore mentioned and directed to be taken at the original Sessions shall be had at such adjourned Sessions, and shall be as valid and effectual, to all intents and purposes, as if done at said original Sessions, and the Clerk of the Peace or Town Clerk shall immediately after such adjournment cause notice of such adjournment, and the cause thereof, to be published in some Newspaper published in or near the county, town or borough for which such Sessions was to be held, and shall also cause copies thereof to be posted at or near the door of every Church and Chapel within the district in which such adjourned Sessions is to be held, and on such other places as he is hereinbefore directed to post the List of Voters for such district.

19. If no Revising Barrister attend at such adjourned Session, the same shall be adjourned to

And be it further Enacted, That in case no Revising Barrister shall attend at any such adjourned Session, the smae shall and they are hereby declared to be adjourned without any further act or order

the next Revising Session for such County, &c. or if in Dublin, then to the next Commission of Gaol Delivery.

for that purpose, to the next Assizes for the county, city or town, for which the Register at such Assizes was to be made; and if such Assizes shall be in the county or city of Dublin, then to the next Commission of Gaol Delivery for such county or city, held before one or more of the Judges of the Superior Courts in Dublin, and the Judge of Assizes at such Assizes or Commission shall act as the Revising Barrister at such Sessions, and proceed in the manner directed by this Act to correct and make out such Register, and shall sign the same, and do all acts in relation thereto which the said Revising Barrister is required to do, and shall have all such powers as such Barrister had in relation to such List, and his decision shall be to all intents and purposes of the same effect as that of the Revising Barrister, save only that there shall not be any appeal from the same to any Judge of Assize.

20. Persons objecting to right of any Person to vote, may appeal to next going Judges of Assize.

And be it further Enacted, That in case any of the said Revising Barristers shall place on the Register the name of any Person whose right to vote has been objected to before him, it shall be lawful for the Person by whom such objection has been made, to appeal from such decision to the next going Judges of Assize for the county, city or town for which such Person has been so admitted as a Voter, except in the case of an objection to a Voter registeral at a Revising Session in the city or county of Dublin, and Notice of such appeal, stating the objection to such Vote as mentioned in the previous notice of objection, and none other, shall be served on the Clerk of the Peace or Town Clerk before the termination of such Revising Session, and a like Notice shall be served on the Voter whose Vote is objected to, or left at his usual place of abode within *Four* Days after the termination of such Session; and the Judges of Assize shall, on due proof of the service of such Notices, and on its appearing that such Vote was objected to before the Revising Barrister, but not otherwise, investigate the right of such Person to be admitted to register in the same manner as he is by the said recited Act of the second and third year of the reign of His present Majesty directed to investigate the claim of a Person against whose claim an order was made by the Registering Barrister; and such Judge of Assize shall, if he shall so think fit, correct the Register, by striking out of the same the name of the Person so objected to.

21. When Revising Barristers shall strike Names off Register, or reject Claims, they shall set forth the reason thereof in a Book.

And be it further Enacted, That the said Revising Barristers respectively shall, in case they shall strike the name of any Voter out of the Register, or refuse to admit the claim of any Person to register as a Voter, make an entry in a book to be for that purpose kept by every Clerk of the Peace and Town Clerk, stating his reason for striking such name out of the Register, or rejecting such claim,

and

and shall at the termination of each Revising Session sign his name in such book at the foot of the list of such rejected Claimants and Persons whose names are so struck off, and state the number of such Person; and every Person whose name shall be so struck off, or whose claim shall be so rejected, shall and may appeal from such decision of the Revising Barrister to the next going Judges of Assize for the county, city or town for which such Person shall claim to be a Voter, except in the case of a register of a claim to vote, or of a registered Voter at a Revising Session in the city or county of Dublin, on giving Notice of his intention to appeal to the Clerk of the Peace or Town Clerk within *Four* Days after the termination of the Revising Session; and such Judge of Assize shall at the next Assizes after such Sessions, and they are hereby required to hear and determine such Appeal in the manner in which they are by said recited Act directed to determine Appeals from the decisions of Registering Barristers rejecting the claim of a Person claiming to be entitled to vote, and the Judge who shall hear such Appeal shall amend the Register if he shall think any of such Persons entitled to be registered as a Voter, by inserting the name of such Person therein; and every Clerk of the Peace, Town Clerk and other Officer who is required to attend at the Revising Sessions, shall attend the said Court of the Assizes on the hearing of such Appeals, and bring with them the said Register, and every Book and List of Voters required to be produced or to be at the Revising Sessions.

Persons whose Names may be so struck off, and Claimants rejected, may appeal in like manner.

22. Individuals may appeal against decisions of Revising Barristers to Superior Law Courts in Dublin.

And be it further Enacted, That in case any Revising Barrister shall, at any Revising Sessions for the county of the city of Dublin, or the county of Dublin, place on the Register the name of any Person whose right to vote has been objected to before him, or strike the name of any Voter out of the Register, or refuse to admit the claim of any Person to register as a Voter, it shall and may be lawful for the Person by whom such objection to the Voter may have been made, and the Person whose name has been struck off the Register, or claim to vote rejected, as the case may be, to appeal from the decision of such Revising Barrister to any of the Courts of King's Bench, Common Pleas or Exchequer, in Dublin, at Nisi Prius, at the sittings for the city or county of Dublin, next after such order made; and service of the notice of such appeal on the Voter or Person claiming to vote, and on the Town Clerk or Clerk of the Peace, *Two* Days before the day for hearing such appeal, shall be sufficient notice thereof, and the several Judges of such Courts are hereby required to hear and determine such appeals before the *Fifth* day of *March* in each year, in the same manner as they are authorized to hear and determine appeals from decrees made from the decisions of Registering Barristers, by, to and in part recited Act of the second and third years of His present Majesty, and to amend the Register, if

if necessary, and do all other Acts which the Judges of Assize are hereby empowered to do on an appeal to them, and every Person who is required to attend at such Revising Session shall and he is hereby required to attend before such Judge on the hearing of such appeal, and produce before him all books, lists, vouchers and other documents which he is required to produce at such Sessions.

23. A List of Names of Persons appealing to be published and posted.

And be it further Enacted, That every Clerk of the Peace and Town Clerk shall, within *Six* Days after the termination of the Revising Session, cause to be published in such Newspaper as aforesaid a List of the Names of the Persons so appealing against any order, striking their names out of the Register, or disallowing the claim to vote; and also of those whose right to vote has been admitted by the Revising Barrister, but against whose right to vote notice of an appeal has been lodged with him as aforesaid, and shall cause copies of such Lists to be posted within *Six* Days on the places hereinbefore mentioned for posting the List of Voters, and shall keep a correct copy of such List in his office, and allow any Person or Persons who may require so to do, to inspect the same during any of the hours for which his Office is to be or shall be open; and shall on demand furnish to every Person who shall demand the same, a copy of such List, or any portion thereof, on being paid the sum of *One* Shilling for the same.

24. Clerk of Peace and Town Clerk shall annex to List of Voters, &c. to be produced at Revising Session, a Certificate in form in Schedule, &c.

And be it further Enacted, That every Clerk of the Peace and Town Clerk shall sign at the bottom of the List of Voters and Claimants, which he is hereby required to produce before the Revising Barrister, at each Revising Session, a certificate in the form mentioned in the Schedule to this Act annexed; and that he shall not directly or indirectly ask, demand or receive from any Person or Persons claiming to be registered as a Voter or Voters, any sum of money, or any payment whatsoever, save those mentioned in this Act, or any Act now in force, for or on account of any of the matters or things directed to be done by him, on pain of forfeiting for such offence the sum of *One hundred* Pounds to any Person who will sue for the same.

25. Law in force, as to Registry of Voters, to continue, save as by this Act altered.

And be it further Enacted, That every law now in force relating to the Registry of Voters in Ireland, shall continue in force, save so far as they are altered by this Act, or are inconsistent with the provisions thereof.

26. Persons struck off Register, or Claimants rejected, may apply to register notwithstanding,

And be it further Enacted, That it shall and may be lawful for every Person whose name may be struck off the Register, or whose claim may have been rejected by any Revising Barrister or Judge of Assize, to apply at any Revising Session held after his name shall have

have been so struck off, or rejected to be registered as a Voter, notwithstanding such former order, he giving such notice as is hereinbefore directed of his intention to register.

at any subsequent Revising Session.

27. Oath required to be taken by 50 *l.* Freeholders, under 2 & 3 W. 4, c. 88, may be taken in any of the Superior Courts in Dublin.

And be it further Enacted, That every Person seised of a freehold of the annual value of not less than *Fifty* Pounds in any county, county of a city, or county of a town, shall be at liberty, instead of attending before such Revising Barrister, to take and subscribe the proper oath by the Schedule to the said recited Act of the second and third year of the reign of His present Majesty annexed, prescribed in any of the Superior Courts of Record in Dublin; and the Revising Barrister shall, on the production of such affidavit before him, by the Clerk of the Peace, or the Town Clerk, or his Deputy, and on its appearing that such notice as aforesaid of the intention to claim to be entitled to register was given, and that there is no valid objection to such claim to register, admit the claim of such Person to register, and place his name on the Register accordingly, without requiring such claimant to appear personally before him.

28. Poll to commence on the day after the same shall be demanded, and to continue Two Days.

And be it further Enacted, That from and after the *passing of this Act*, every poll which shall be demanded at any election of a Member or Members to serve in Parliament for any county, city, town or borough in Ireland, shall commence on the day after the day on which the same shall be demanded, unless the same shall happen to be a Sunday, Christmas-day or Good Friday, and in such case on the day next after, and shall be regularly proceeded on from *Nine* o'clock in the morning until *Six* o'clock in the afternoon on each day, Sunday, Christmas-day and Good Friday only excepted, until the same shall be finished, but so as that no Poll shall continue more than *Two* Days, Sunday, Christmas-day and Good Friday not to be counted as one of such days; and if such Poll shall continue until the second day, it shall be finally closed at or before the hour of *Six* o'clock in the afternoon of the said second day, and the Returning Officer or Officers shall, immediately after the final close of the poll, declare the name or names of the Person or Persons having the majority of votes on such poll, and the number of votes polled for him or them, and for the other candidate or candidates, and shall forthwith make a return of the Person or Persons having a majority of votes as being duly elected.

29. A Polling-place to be provided for each 200 Voters.

And be it further Enacted, That whenever in any one barony or half barony of any county, or in any county of a city or town, or in any borough, the number of registered Voters appearing by the books of the Clerk of the Peace or Town Clerk, in case an election shall be held before the time appointed for making such Register under this Act, capable of voting at any election for the same, shall

exceed *Two hundred* Votes, and whenever after a Register shall have been made as directed by this Act the number of Voters appearing by such Register to be capable of voting in any barony or half barony of any county, or in any county of a city, or in any town or borough, shall exceed *Two hundred*, it shall and may be lawful for the Returning Officer or Officers, and he and they are hereby required to provide one or more polling place or places for such barony, half barony, or for such county of a city, town or borough, and to make a division or divisions of the Voters according to the first letters of their names, in case any election shall take place before a Register shall be formed under this Act, and after such Register shall have been formed, then according to the order of such names on the Register, so as that it shall not be necessary for more than *Two hundred* Voters to poll in one place of polling, and that it shall be lawful for such Returning Officer or Officers, and he and they are hereby required to provide as many places of polling as may be necessary for that purpose, and to appoint a Deputy and Poll Clerk for each place of polling, and shall cause to be fixed, on the most conspicuous part of each of said polling places, the name of the barony, half barony or district for which such polling place is allotted, and the first and last number as entered in the Register of the persons who are capable of polling therein.

30. Clerk of Peace shall before every Election deliver to the Returning Officer so many Copies of last revised Register as he shall require.

And be it further Enacted, That the Clerk of the Peace and Town Clerk respectively shall, at or previous to the day appointed for holding of every election for the return of a Member or Members to serve in Parliament for any county, borough, city or town in Ireland, deliver or cause to be delivered to the Returning Officer or Officers at such election as many printed or written copies of the then last revised Register as such Returning Officer or Officers shall require, and shall at the foot thereof certify the same to be true copies respectively of such Register, and one of such certified copies shall be given by such Returning Officer to each Deputy, and such Clerk of the Peace and Town Clerk shall, before the time appointed for the commencement of the Poll, deliver to each Poll Clerk a copy of so much of the said Register as contains the names of the *Two hundred* Voters, or such other number of Voters as may be capable of voting in his booth, according to the division of the Returning Officer or Officers as aforesaid, of the names of the Voters in each place of polling.

31. No inquiry at the time of Election, except as to identity of Voter, and whether he has voted before at the same Election.

And be it Enacted, That in all elections whatever of Members to serve in Parliament held after such Register shall have been had, no inquiry shall be permitted at the time of polling as to the right of any Person to vote, except only as follows; (that is to say) that the Returning Officer, or his respective Deputy, shall, if required by or

on

on behalf of any candidate, require any Person tendering his vote to take the following Oath, or if a Quaker or Moravian or Separatist, to make the following Declaration or Affirmation:

"I do swear, [or declare, or affirm, as the case may be] That I will true answers make to such questions as the Returning Officer or his Deputy shall demand of me.

"So help me GOD:"

And shall, if required by or on behalf of any candidate, put once to any voter at the time of his tendering his vote, and not afterwards, the following questions, or either of them, and no other:

Form of Question as to these points.

1. Are you the same Person whose name appears as A. B. on the Register of Votes now in force for the county of [or, for the city, or borough of as the case may be]?
2. Have you already voted at this Election?

False Answers punishable as Perjury.

And if any Person shall wilfully make a false answer to either of the questions aforesaid, he shall be liable to the pains and penalties of *Perjury*, and on being duly convicted thereof, shall be punished accordingly; and no Person voting or claiming to vote at any such election, shall be required to take the Oaths of Allegiance, Supremacy or Abjuration, or to take or make any Oath or Declaration in lieu thereof, or any other Oath, solemn Affirmation or Declaration whatever, except the Oath, Affirmation or Declaration against Bribery, where the same shall be duly required to be taken by or on behalf of any Candidate; and no Person claiming to vote at any such election shall be excluded from voting thereat, except by reason of its appearing to the Returning Officer, or his respective Deputy, upon such questions as aforesaid, or either of them, being put, and from the answers of such Persons thereto, that the Person so claiming to vote is not the same Person whose name appears on such Register as aforesaid, or that he has previously voted at the same election, or except by reason of such Person refusing to make answer to either of the said questions, or to take or make the Oath, Declaration or Affirmation against Bribery; and no scrutiny shall hereafter be allowed by or before any Returning Officer with regard to any votes given or tendered at any election of a Member or Members to serve in Parliament; any law, statute or usage to the contrary notwithstanding.

All Oaths abolished, except the Bribery Oath.

32. Expense of conveying Electors to poll, or of entertaining them, illegal.

AND whereas Candidates at Elections have been put to great costs and charges in and about the conveyance of Voters to and from the Poll, and for their refreshment at or during such Election: AND whereas doubts have arisen as to the legality of payments in respect of such costs and charges, and it is expedient that such doubts should be removed; BE it therefore Enacted, That all payments for

or in respect of the carriage or conveyance of any Voter or Voters to or from the Poll, or to or from any place or places for the purpose of polling or returning from polling at any Election, or for any refreshment or entertainment of any Voter or Voters during such Election, or going to or returning from the Poll, which shall hereafter be made by or on behalf of any Candidate at such Election, shall be and the same are hereby declared to be illegal; and any Person who shall for himself or on behalf of any other Person demand or receive from any Candidate, or from any agent of any Candidate in that behalf, any sum of money, security or other valuable thing, for or in respect of any cost, charge or expense incurred, or to be incurred, in being conveyed or in conveying any Voter or Person claiming to be a Voter, to or from the Poll at any Election, or to or from any place for the purpose of polling or returning from polling at any Election, or for any refreshment or entertainment of any Voter or Voters during such Election, or going to or returning from the Poll, or any Candidate or Person acting for or as the agent of any Candidate in that behalf who shall voluntarily, or at the demand or request of any other Person, pay or deliver any such sum of money, security or other valuable thing for or in respect of any such cost, charge or expense, shall forfeit and pay the *Treble* value of every such sum of money, security or other valuable thing so demanded, received, paid or delivered to any Person who shall sue for the same in any of His Majesty's Courts of Record at Dublin: Provided, That no such action shall be commenced after the period of *Two* Years shall have elapsed from the time of such demand, receipt, payment or delivery.

Penalty.

How to be recovered.

33. What other Expenses are illegal.

AND whereas divers demands have been made upon Candidates at Elections by Sheriffs, Under Sheriffs, Returning Officers, Clerks of the Peace, Town Clerks, and other Persons, for money claimed to be due in respect of the employment of Assessors, and other legal advisers; Sheriffs, Under Sheriffs, Returning Officers, Clerks of the Peace, Town Clerks, Sheriffs' Messengers, Special Constables and other Peace Officers, for keeping the peace at Elections; Stewards' Bailiffs, Serjeants-at-Mace, Magistrates' Clerks, Beadles, Criers and other Officers and Persons employed at Elections, for receiving the Writ of Election and making the Return thereto; and in respect of charges for the attendance at such Elections; and in respect of expenses incurred in coach-hire, tavern and other personal expenses for stationery and printing, and in other various matters incidental to and connected with the proceedings at Elections: And whereas no Candidate ought to be subjected to any such demands; BE it Enacted and Declared, That no Sheriff, Under Sheriff, Sheriff's Deputy, Returning Officer, Clerk of the Peace, Town Clerk, Assessor or other legal adviser of a Returning Officer, Steward's Bailiff, Serjeant-at-Mace,

Mace, Sheriff's Messenger, Magistrate's Clerk, Beadle, Crier, Constable or other Officer or Person officially employed at any future Election shall demand or receive from any Candidate or any other Person any gratuity, fee or reward, or any money, security or valuable thing whatsoever, for or in respect of any service or work performed, or to be performed or pretended to have been performed at any such Election, either by himself or by any other Person employed by or under his direction; nor shall any other Person so employed by or under such directions, demand or receive from any such Candidate or any other Person any gratuity, fee or reward, or any money, security or valuable thing whatsoever, in respect of any service or work performed or to be performed, or pretended to have been performed, at any such Election; nor shall any of the Officers or Persons aforesaid, or Persons employed by or under the direction of any such Officer or other Person aforesaid, demand or receive from any Candidate or any other Person, any money, security or valuable thing whatsoever, for goods supplied or to be supplied, or pretended to have been supplied, or for or in respect of any money advanced or paid, or to be advanced or paid, or pretended to have been advanced or paid, or for or in respect of any expenses or liabilities incurred or to be incurred, or pretended to have been incurred in, about or relating to any such Election, or any proceeding thereat; nor shall any Candidate, or Person acting as the agent of any Candidate or any other Person in that behalf, either voluntarily or at the demand or request of any other Person, give, pay or deliver any such gratuity, fee, reward, money, security or other valuable thing for or in respect of any such service or work performed or to be performed, or pretended to have been performed, goods supplied or to be supplied, or pretended to have been supplied, money advanced or paid, or to be advanced or paid, or pretended to have been advanced or paid, expenses or liability incurred or to be incurred, or pretended to have been incurred respectively in, about or relating to any such Election or any proceeding thereat; and any such Officer or other Person as aforesaid, or Person employed by or under the direction of any such Officer or other Person aforesaid, who shall demand or receive from any Candidate or any other Person, any such gratuity, fee, reward, money, security or other valuable thing, for or in respect of any such service or work performed or to be performed, or pretended to have been performed, goods supplied or to be supplied, or pretended to have been supplied, money advanced or paid or to be advanced or paid, or pretended to have been advanced or paid, expense or liability incurred or to be incurred, or pretended to have been incurred respectively, in, about or relating to any such Election, or any proceeding thereat, save as in this Act and the Schedule thereto mentioned; or any Candidate, or Person acting for or as the agent of any Candidate in that behalf, who shall voluntarily, or at the demand

or request of any other Person, give, pay or deliver any such gratuity, fee, reward, money, security or other valuable thing, for or in respect of any such service or work performed or to be performed, or pretended to have been performed, goods supplied or to be supplied, or pretended to have been supplied, money advanced or paid or to be advanced or paid, or pretended to have been advanced or paid, expense or liability incurred or to be incurred, or pretended to have been incurred respectively, in, about or relating to any such Election or proceeding thereat, save as aforesaid, shall forfeit and pay *Treble* the value of every such gratuity, fee, reward, sum of money, security or valuable thing so demanded, received, paid or delivered to any Person who shall sue for the same in any of His Majesty's Courts of Record at Dublin: Provided always, That no such action shall be commenced after the period of *Two* Years shall have elapsed from the time of such demand, receipt, payment or delivery.

34. Seat voided by payment of illegal Expenses.

And be it Enacted, That if any Person who shall hereafter be returned to serve in Parliament shall either voluntarily or at the request of any other Person, give, pay or deliver, or cause to be given, paid or delivered any gratuity, fee, reward, money, security or valuable thing whatsoever contrary to any of the enactments in this Act in that behalf contained, the return of such Person shall be and the same is hereby declared to be void.

35. Returns not liable to Stamp Duty.

And be it Enacted and Declared, That no indenture, writing or other instrument whatever, containing the Return of any Member or Members to serve in Parliament shall be liable to any Stamp Duty, or to any other Government Duty whatsoever.

36. Houses may be used for Polling instead of Booths.

Provided always, and be it Enacted, That every Sheriff or other Returning Officer, may, if he shall so think fit, instead of erecting such Booth or Booths, or Polling Places as aforesaid, procure or hire and use any Houses or other Buildings for the purpose of taking the Poll therein, subject always to the same regulations, provisions, liabilities and limitations of expense as Booths to be erected for taking the Poll.

37. Persons voting twice at the same Election guilty of a Misdemeanor.

And be it Enacted, That if any Person shall vote twice at the same Election, or having already voted shall tender or offer his vote again at the same Election, such Person shall be guilty of a *Misdemeanor*, and shall, upon being convicted thereof, in addition to the pains and penalties hereinbefore imposed on Persons wilfully making false answer to either of the questions hereinbefore authorized to be put at the time of polling, be punishable with imprisonment with hard labour for the period of *Six* calendar Months.

And

38. Writs of Election, &c. to be free of Postage.

And be it further Enacted, That the Returns of any Writs of Elections, Indentures of Return, Precepts for Election and Returns thereof, shall from and after the *passing of this Act*, be sent by the General Post to the proper Officer entitled to receive or keep the same, and that no Postage shall be chargeable or paid in respect thereof.

39. Compensation to Deputies, Poll Clerks and Returning Officers.

And be it further Enacted, That each Deputy shall be entitled to be paid a sum of *Two* Guineas for his services at such Election, and each Poll Clerk shall be entitled to be paid the sum of *One* Guinea for his services at such Election; and that the Returning Officer or Officers shall be entitled to be paid a sum not exceeding the sum of *Three* Pounds for the expense of erecting each booth or polling place, and a sum not exceeding the sum of *Five* Pounds for the expenses of the indentures, making proclamations, making the return, and of stationery, and all other incidental expenses; and that he or they shall not be entitled to any further or other sum, and that such Returning Officer or Officers shall, after the said Election, furnish to the Treasurer of the county, town or city for which such Election was held, and if such Election was held for a borough, not being a county of a city, or county of a town, thent to the Treasurer of the county in which such borough is situated, an account of his expenses in the form specified in the Schedule marked to this Act annexed; and such Treasurer shall lay the same before the next Grand Jury at the next Assizes for such county, town or city, and the Grand Jury shall examine the same, and make such reduction (if any) in the amount of the sum charged for the expenses of Booths as they may think reasonable, and shall present so much of the sum so demanded for the expense of Booths as they shall think proper, and the residue of such amount, to be levied in case of an Election for a county, town or city off the county at large, or such city and town respectively, and in case of an Election for a borough, not being a county of a town or city, to be levied off the barony or baronies in which such borough may be situate, and to be paid to such Returning Officer or Officers, or his or their representatives; and the Judge of Assize shall, if it shall appear to him that such account does not contain any charge not warranted by this Act, but not otherwise, fiat such presentment, and the sum thereby presented shall be levied as all other money presented by a presentment of a Grand Jury.

Expenses of Booths, how defrayed.

40. Lord Lieutenant may withhold Salary from Revising Barrister, in case of wilful neglect, &c.

And be it further Enacted, That if any Revising Barrister or other Barrister appointed as aforesaid, shall wilfully neglect any of the duties hereby imposed on him, or otherwise wilfully misconduct himself in the discharge of his said duties, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, by any Warrant under his or their hand or hands, to direct that the salary of such Revising Barrister shall not be paid to him,

him, and such Warrant shall specify the reasons for directing that it shall not be paid, and in case Parliament shall be then sitting a copy thereof shall be laid before each House of Parliament, within *Ten* Days after the date thereof, and if Parliament shall not be then sitting, a copy thereof shall be laid before each House of Parliament within *Ten* Days after the next meeting of Parliament, and any Person who may have sustained any damage by such wilful neglect or misconduct, shall and may commence and prosecute an action at law against such Barrister, and recover therein such damages as a jury shall, under the circumstances, consider to be reasonable.

41. Oath to be taken by Revising Barristers.

And be it further Enacted, That every such Revising Barrister, and every Barrister who may be appointed as aforesaid in his place, shall, before he shall act as Revising Barrister, take and subscribe the following Oath, or make the following Declaration or Affirmation before the Lord Chancellor, or one of the Commissioners for the custody of the Great Seal in Ireland, or the Master of the Rolls, or in their absence before one of the Masters in Ordinary of the Court of Chancery in Ireland, and an entry thereof shall be made on a Roll in the office of the Clerk of the Crown and Hanaper in Ireland, or the Rolls Office of the said Court of Chancery.

" I, do swear [or, declare or affirm, as the case may be,] That I will diligently, faithfully, and without favour or partiality, execute the several duties imposed on me as a Revising Barrister, under an Act passed in the year of the reign of His Majesty King WILLIAM the Fourth, intituled, &c. [state the title of this Act]; and that I will not admit to be registered any Person who shall not appear to me to be entitled to register as Voter, or reject the claim of any Person claiming to be entitled to register as a Voter, who shall appear to me to be entitled to register as such Voter.

42. A Certificate (in form in Schedule) to be given to any Voter on demand by Clerk of Peace and Town Clerk, fee Sixpence.

And be it further Enacted, That every Clerk of the Peace and Town Clerk shall, and he is hereby required, at the request of any Voter whose name shall appear on said corrected Register, or who is now registered, or any Person authorized by him to give to such Voter on payment of the sum of *Sixpence*, a certificate, in the form mentioned in the Schedule marked to this Act annexed; and such certificate shall be, when signed by the Clerk of the Peace, without any erasure or interlineation; and in case such Clerk of the Peace or Town Clerk shall neglect or refuse to do so, or shall give a certificate in which there shall be any interlineation or erasure, he shall forfeit the sum of *Five* Pounds to any Person who shall sue for the same, such sum to be recoverable by civil bill before the Assistant Barrister by whom civil bills for the place in which such certificate issued, or such neglect or refusal occurred, may be cognizable.

And

43. Copy of Register furnished to Returning Officer to be Evidence of right of Persons therein to vote.

And be it further Enacted, That the Copy of the Register so directed to be furnished by the Clerk of the Peace and Town Clerk to the Returning Officers, shall be conclusive evidence of the right of the Persons therein named to vote, and no inquiry as to identity shall be made, save as aforesaid, at any election, nor shall it be lawful or necessary to refer to the original Affidavit of Registry, but the deputy shall refer to said copy of the Register, and mark opposite to the name of every Voter who polls before him his initials, so as to be able to ascertain the Persons who polled before, and he shall not permit any Person whatsoever to examine the Voter or in any manner to delay the poll, nor shall such deputy administer the Oath of Bribery more than once to any Voter, though more than one Inspector or Candidate may require him to do so.

44. Penalties on Clerk of Peace, Town Clerk, &c. for breach of duty.

And be it further Enacted, That if any Clerk of the Peace, Town Clerk or Collector, shall wilfully insert in any of the said Lists the name of any Person whose name should not be inserted therein, or shall wilfully strike out of any of the said Lists the name of any Person whose name should be inserted therein, or if he shall in any manner erase, alter or destroy said corrected Register, he shall forfeit the sum of Pounds, and be incapable of ever after holding the office of Clerk of the Peace, of Town Clerk, or of Collector or High Constable; and any such Clerk of the Peace, Town Clerk or Collector who shall neglect any of the duties hereby imposed upon him, shall and may be fined by any such Revising Barrister or Judge of Assize such sum as such Revising Barrister or Judge of Assize shall think proper, not exceeding the sum of Pounds; and any Person who may sustain any damage from such misconduct or neglect of any Clerk of the Peace, Town Clerk or Collector, may in any action in the Superior Courts recover from him such damages as the jury before whom such action may be tried shall consider reasonable, or at his election may proceed by civil bill before the Assistant Barrister having jurisdiction to try civil bills for the county, town or borough in which said Clerk of the Peace, Town Clerk or Collector may reside, to recover such damages, not exceeding *Ten* Pounds, as such Assistant Barrister may think fit to award.

45. Roll of Freemen not to be called over at time of Polling, nor any priority to them given.

And be it further Enacted, That at any election to be hereafter held in Ireland of a Member or Members to serve in Parliament, it shall not be lawful to call over the Roll of Freemen, or to give any preference or priority whatsoever to any Freeman at the time of polling, any usage to the contrary notwithstanding; and that any Person who shall hold or enjoy any office disqualifying them from voting, or who, after he was registered, shall have parted with, or been deprived of, the qualification in respect whereof he registered, and shall, notwithstanding such disqualification, vote at such

Penalty on disqualified Persons voting, 100*l.*

such election, shall forfeit a sum of *One hundred* Pounds to any Person who shall sue for the same, and such sum shall and may be recovered by action in any of the Sessions Courts in Dublin, or by civil bill before the Assistant Barrister having jurisdiction to hear and determine civil bills for the place in which such Person may have voted; and in any such action, or in any proceeding to recover a penalty under this Act, the original Poll-book produced from the office of the Clerk of the Peace, or Town Clerk, and proved to be such original, shall be deemed to be sufficient evidence of the issuing of the Writ for holding such Election and of the holding thereof, and of the Return, and that the Returning Officer or Officers, or Deputy or Deputies therein named, was or were duly appointed and acted as such.

46. Compensation to Collectors of Grand Jury Cess, High Constable and Collectors of Rates.

And be it further Enacted, That every Collector of Grand Jury Cess, or High Constable, and every Collector of Rates who shall discharge the duties hereby imposed on him, and receive from the Revising Barrister at the Sessions at which he may be required to attend, a certificate that he has diligently and faithfully discharged such duties, shall be entitled to be paid the sum of for such services in each year; and on the production of such certificate to any Grand Jury of a county, city, town or borough at the Spring Assizes, next after such Session, in any county or city, town or borough, save the city or county of Dublin, and on the production of such certificate to the Grand Jury at any election time in the county or city of Dublin, the said Grand Juries respectively shall and they are hereby required to permit said sum of to be paid to each of said Collectors or Constables, and the same shall be raised as all other money directed to be levied by a presentment of a Grand Jury.

To be levied by Grand Jury Presentment.

47. When there is no Collector of Grand Jury Cess, Clerk of Peace to fulfil the duties to such Collector prescribed by this Act.

And be it further Enacted, That if, in consequence of the death or removal of any Collector of Grand Jury Cess, there shall not be a Collector for any barony or half-barony at the time at which any of the said Notices are directed to be posted, or said Lists made out, the Clerk of the Peace for each county shall, and he is hereby required to make out and post such Lists and Notices, and do the other acts in relation to the Registry of Voters which such Collector would, under the Provisions of this Act, be bound to do.

48. Right of voting in Boroughs, &c., to be enjoyed by Joint Occupants of Premises, when the clear annual Value shall give a sum of 10*l.* for each.

AND whereas it has been doubted whether, under the Provisions of this in part recited Act, made in the second and third year of His present Majesty, intituled, "An Act to amend the Representation of the People of Ireland," Persons occupying as joint tenants any premises in any city, town or borough, are qualified to be registered as Voters therein, and it is expedient to remove such

such doubts; BE it therefore Enacted, That where any Premises in any city, town or borough in Ireland shall be jointly occupied by more Persons than one, as owner or tenants, each of such joint occupiers shall, subject to the conditions in said in part recited Act, made in the second and third year of the reign of His present Majesty, as to Persons occupying premises in any city, town or borough, be entitled to vote at any Election for any Member to serve in Parliament for any such city, town or borough in respect of the premises so jointly occupied, in case the clear yearly value of such premises shall be of an amount which, when divided by the number of such occupiers, shall give for each such occupier a sum not less than the sum which would entitle such Person to vote if he occupied solely, but not otherwise.

49. Revising Barrister to estimate beneficial interest of Voter in Premises.

And be it Declared and Enacted, That in estimating and determining whether any Person who shall claim to be allowed to register as a Voter has a beneficial interest to the amount in value required by the said in part recited Act of the second and third years of the reign of His present Majesty, intituled, " An Act to amend the Representation of the People of Ireland," in or out of the premises in respect whereof he claims to register, the said Revising Barristers, or any Judge, on an appeal to him, shall estimate such value according to the beneficial interest which the Person so claiming to register has in such premises, and not according to the rent which a solvent tenant could afford to pay for the same, over and above the rent which the Person so claiming to register is liable to pay.

6 WILL. IV.—Sess. 1835.

(Ireland.)

A

B I L L

To amend the Law relative to the Registry of Voters in Ireland, and to taking the Poll at Elections in that part of the United Kingdom, and to assimilate the same as nearly as may be to the Law in force in England and Wales.

(*Prepared and brought in by*
Mr. Serjeant O'Loghlin and Mr. Serjeant Perrin.)

Ordered, by The House of Commons, *to be Printed,*
11 *August* 1835.

16 *April* 1835.

A

B I L L

For the Relief of Proprietors of, and Tenants upon, Entailed Estates in Scotland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS several Acts have passed in the reign of his Majesty King GEORGE the Third, and in the reigns subsequent thereto, to encourage the improvement of waste and uncultivated Lands upon Entailed Estates in that part of the United Kingdom called Scotland: AND whereas under such encouragement much Capital has been laid out, and Millions of Acres thereby redeemed from Waste: AND whereas in administering the Law applying to such Improvements it has been held that Meliorations to Tenants holding improving Leases should be a Charge upon the Personal Property of the Grantor of such Leases, instead of constituting a Charge upon the Rental of Lands so improved: AND whereas the spirit of all Laws and all Leases now existing contemplate and imply such Charges becoming a legal burthen upon such Rental; Preamble.

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT in all cases where Tenants or Occupiers of Land bind and oblige themselves to erect Farm Houses and other Buildings, to fence, drain or otherwise inclose, under conditions specified in any Lease, Tack or Missive of Lease, the same not conveying a right of occupancy of above *Twenty-one* Years, the Meliorations therein covenanted for shall constitute a preferable Claim against the Rents of such Entailed Estate: Provided always, That the maximum of the said Charge shall not exceed *Two* Years of the free Rental of the Land improved and occupied by the Tenant making the Claim. Where Tenants bind themselves to erect Buildings, &c. the Meliorations therein covenanted for shall constitute a preferable Claim against the Rents.

Sheriff may appoint a Person to report to what extent yearly Value has been created.

And be it also Enacted, That where doubts may exist as to the said Improvements adding to the yearly value of the said Lands, that in such cases it shall be lawful to the Proprietor to apply to the Sheriff of the County in which the said Lands are situated, requiring him to appoint a skilful Person or Persons to report on oath, within *Six* Months, whether and to what extent yearly value has been created; and in cases where no increase of value is proven, that all claim for repayments from the Tenant to the Proprietor shall be null and void. Where mills or other machinery have been erected under the sanction and guarantee of a Lease, then it shall be competent to the Proprietor of the Estate to fulfil the conditions of the same out of the Rental of the Estate, or failing to do so, it shall be competent to the Tenant to sell or remove the said Mills or Machinery, as to him, her or them shall appear most desirable.

Act may be altered.

And be it further Enacted, That this Act may be altered, varied or repealed by any Act to be passed in this Session of Parliament.

Public Act.

And be it further Enacted, That this Act shall be deemed and taken to be a Public Act; and shall be judicially taken notice of as such, by all Judges, Justices and others, without being specially pleaded.

5 WILL. IV.—Sess. 1835.

A

B I L L

For the Relief of Proprietors of, and Tenants upon, Entailed Estates in Scotland.

(Prepared and brought in by Mr. Geo. Fergusson and Mr. Cumming Bruce.)

Ordered, by The House of Commons, *to be Printed,* 16 *April* 1835.

178.

699

14 *May* 1835.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For the Relief of Proprietors of, and Tenants upon, Entailed Estates in *Scotland.*

[N. B.—*The Clause marked* (A.) *was added by the Committee.*]

WHEREAS several Acts have passed in the reign of his Majesty King GEORGE the Third, and in the reigns subsequent thereto, to encourage the improvement of waste and uncultivated Lands upon Entailed Estates in that part of the United Kingdom called *Scotland:* AND whereas under such encouragement much Capital has been laid out, and Millions of Acres thereby redeemed from Waste: AND whereas in administering the Law applying to such Improvements it has been held that Meliorations to Tenants holding improving Leases should be a Charge upon the Personal Property of the Grantor of such Leases, instead of constituting a Charge upon the Rental of Lands so improved: AND whereas the spirit of all Laws and all Leases now existing contemplate and imply such Charges becoming a legal burthen upon such Rental; Preamble.

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT in all cases where Tenants or Occupiers of Land bind and oblige themselves to erect Farm Houses and other Buildings, to fence, drain or otherwise inclose, under conditions specified in any Lease, Tack or Missive of Lease, the Meliorations therein covenanted for shall constitute a Claim against the Rents of such Entailed Estate: Provided always, That the maximum of the said Charge shall not exceed Three Years of the free Rental of the Lands held by the said Tenants or Occupiers under such Lease, Tack or Missive of Lease.

1. Where Tenants bind themselves to erect Buildings, &c. the Meliorations therein covenanted for shall constitute a preferable Claim against the Rents.

And be it also Enacted, That where doubts may exist as to the said Improvements adding to the yearly value of the said Lands, that in such

2. Sheriff may appoint a Person to report to what extent

yearly Value has been created.

such cases it shall be lawful to the Proprietor to apply to the Sheriff of the County in which the said Lands are situated, requiring him to appoint a skilful Person or Persons to report on oath, within Six Months, whether and to what extent increased value has been created; and in cases where no increase of value is proven, that all claim for repayments from the Proprietor to the Tenant shall be null and void: Where mills or other machinery have been erected under the sanction and guarantee of a Lease, then it shall be competent to the Proprietor of the Estate to fulfil the conditions of the same out of the Rental of the Estate, or failing to do so, it shall be competent to the Tenant to sell or remove the said Mills or Machinery, as to him, her or them shall appear most desirable.

3. Clause (A.) Act not to apply to Leases falling in during Life of Grantor.

And be it further Enacted, That nothing contained in this Act shall apply to Leases falling in during the Life of the Grantor of the same.

4. Act may be altered.

And be it further Enacted, That this Act may be altered, varied or repealed by any Act to be passed in this Session of Parliament.

5. Public Act.

And be it further Enacted, That this Act shall be deemed and taken to be a Public Act; and shall be judicially taken notice of as such, by all Judges, Justices and others, without being specially pleaded.

5 Will. IV.—Sess. 1835.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For the Relief of Proprietors of, and Tenants upon, Entailed Estates in *Scotland*.

(*Prepared and brought in by Mr. Geo. Fergusson and Mr. Cumming Bruce.*)

Ordered, by The House of Commons, *to be Printed,* 14 *May* 1835.

189.

10 *June* 1835.

A

B I L L

[AS AMENDED ON RE-COMMITMENT]

For the Relief of Proprietors of, and Tenants upon, Entailed Estates in *Scotland.*

[N. B.—*The Clause marked* (A.) *was added by the Committee; and the Clauses marked* (B.) *and* (C.) *were added on Re-commitment.*]

WHEREAS several Acts have passed in the reign of his Majesty King GEORGE the Third, and in the reigns subsequent thereto, to encourage the improvement of waste and uncultivated Lands upon Entailed Estates in that part of the United Kingdom called *Scotland:* AND whereas under such encouragement much Capital has been laid out, and extensive Tracts of Land thereby redeemed from Waste: AND whereas, in administering the Law applying to such Improvements, it has been held that Meliorations to Tenants holding improving Leases should be a Charge upon the Personal Property of the Grantor of such Leases, instead of constituting a Charge upon the Rental of Lands so improved: AND whereas the spirit of all Laws and Leases now existing and applying to Entailed Estates, contemplate and imply that such Charges may be made a legal burthen upon such Rental; Preamble.

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT in all cases where Tenants or Occupiers of Land shall be authorized, or shall bind and oblige themselves to erect Farm Houses and other Buildings, to fence, drain or otherwise inclose, under conditions specified in any Lease, Tack or Missive of Lease, the Meliorations therein covenanted for shall constitute a Claim against the Rents of such Entailed Estate: Provided always, That the maximum of the said Charge shall

1. Improvements covenanted for in Leases, shall constitute a Claim against the Rent of Entailed Estates.

not

not exceed Three Years of the Rental of the Lands held by the said Tenants or Occupiers under such Lease, Tack or Missive of Lease.

2. Sheriff to appoint Persons to decide to what extent the Value of Estates are improven.

And be it further Enacted, That where doubts may exist as to the said Improvements adding to the yearly value of the said Lands, that in such cases it shall be lawful to the Proprietor to apply to the Sheriff of the County in which the said Lands are situated, requiring him to appoint a skilful Person or Persons to report on oath, within Six Months, whether and to what extent value has been created by such improvements; and where by such report no increase of value is proven, then the Sheriff shall declare the Tenant's claims to be null and void: Where mills or other machinery have been erected under the sanction and guarantee of a Lease, then it shall be competent to the Proprietor of the Estate to fulfil the conditions of the same out of the Rental of the Estate, or, failing to do so, it shall be competent to the Tenant to sell or remove the said Mills or Machinery, as to him her or them shall appear most desirable.

3. Clause (A.) Act not to apply to Leases falling in during Life of Grantor.

And be it further Enacted, That nothing contained in this Act shall apply to Leases falling in during the Life of the Grantor of the same.

4. Clause (B.) Act not to extend to Lands already charged.

And be it further Enacted, That this Act shall not apply to Lands already charged under an Act of the fifty-first year of King George the Third, intituled, "An Act to encourage the Improvement of Lands, Tenements and Hereditaments in that part of *Great Britain* called *Scotland*, held under Settlements of strict Entail.

5. Clause (C.) Rights to be valid in favour of the Heir.

And be it further Enacted, That the Rights set forth as belonging to a Tenant, shall be equally valid in favour of their Heirs, Successors and Assignees.

6. Act may be altered.

And be it further Enacted, That this Act may be altered, varied or repealed by any Act to be passed in this Session of Parliament.

7. Public Act.

And be it further Enacted, That this Act shall be deemed and taken to be a Public Act; and shall be judicially taken notice of as such, by all Judges, Justices and others, without being specially pleaded.

5 WILL. IV.—Sess. 1835.

A

BILL

[AS AMENDED ON RE-COMMITMENT]

For the Relief of Proprietors of, and Tenants upon, Entailed Estates in *Scotland.*

(Prepared and brought in by
Mr. Geo. Fergusson and Mr. Cumming Bruce.)

Ordered, by The House of Commons, *to be Printed,*
10 *June* 1835.

105

A

B I L L

For the Amendment of the Law of Escheat, and of the Law relating to Terms of Years to which Persons dying intestate, and without Kindred, shall be entitled at Law or in Equity, and for abolishing customary Modes of Descent, and the taking of Heriots in Specie.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

BE it Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT in the construction of this Act the word "Manor" shall extend to a manor by reputation of any tenure whatsoever (except Copy of Court Roll), but when accompanied with some expression including or denoting the tenure by Copy of Court Roll, shall extend to a manor of that tenure; and the word "Lands" shall extend to manors, advowsons, rectories, messuages, lands, tenements, tithes, rents and all other hereditaments of any tenure whatsoever (except Copy of Court Roll), whether corporeal or incorporeal, and any undivided share thereof, but when accompanied with some expression including or denoting the tenure by Copy of Court Roll, shall extend to manors, advowsons, rectories, messuages, lands, tenements, tithes, rents and other hereditaments of that tenure, and any undivided share thereof; and the word "Estate" shall mean an estate in possession, remainder, reversion or expectancy, and shall extend not only to an estate at law, but also to an estate in equity; and the word "Lord" shall mean the lord or lady for the time being, whatever may be his or her estate or interest, and whether he or she shall have any rightful

1. Meaning of certain Words and Expressions. "Manor." "Lands." "Estate." "Lord."

"Without Heirs inheritable." "Number and Gender."

estate or interest or not; and the expression "without Heirs inheritable" shall include every case of failure of heirs, except a failure of heirs by corruption of blood; and every word importing the singular number only, shall extend and be applied to several persons or things, as well as to one person or thing; and every word importing the plural number shall extend to one person or thing, as well as to many persons or things; and every word importing the masculine gender only, shall extend and be applied to a female, as well as to a male: Provided always, That those words and expressions occurring in this clause to which more than one meaning is to be attached, shall have all or any one or more of the different meanings given to them by this clause, as the circumstances of each particular case shall require, and shall not have the different meanings given to them by this clause in those cases in which there is any thing in the subject or context repugnant to such construction.

2. Repeal of so much of 39 & 40 G. 3. c. 88, and of 47 G. 3. sess. 2. c. 24, and of 59 G. 3. c. 94, as relate to Lands escheated or forfeited.

And be it further Enacted, That from and after the *passing of this Act*, so much of an Act passed in the thirty-ninth and fortieth years of the reign of his late Majesty King GEORGE the Third, intituled, "An Act concerning the disposition of certain real and personal Property of His Majesty, His heirs and successors, and also of the real and personal Property of Her Majesty, and of the Queen Consort for the time being;" and also of an Act passed in the second Session of the forty-seventh year of the reign of his said late Majesty King GEORGE the Third, intituled, "An Act to explain and amend an Act passed in the thirty-ninth and fortieth years of his present Majesty concerning the disposition of certain real and personal Property of His Majesty, His heirs and successors, and also of the real and personal Property of Her Majesty, and of the Queen Consort for the time being;" and of an Act passed in the fifty-ninth year of the reign of his said late Majesty King GEORGE the Third, intituled, "An Act to explain and amend two Acts passed in the thirty-ninth and fortieth and forty-seventh years of his present Majesty, concerning the disposition of certain real and personal Property of His Majesty, His heirs and successors," as relate to Lands vested in His Majesty, His heirs and successors, by escheat or forfeiture, shall be and the same is hereby repealed.

3. Lands, of which Persons shall after the 31st December 1836 die seised without Heirs, shall escheat to The King.

And be it further Enacted, That all Lands of or to which any Person shall after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six* die seised or entitled for an estate of inheritance, not being an estate tail, shall, if such Person shall die without Heirs inheritable to such Lands, escheat to His Majesty and His successors in right of His Crown.

And

And be it further Enacted, That all Lands of or to which any Person, who shall after the said *Thirty-first* day of *December One thousand eight hundred and Thirty-six* commit the crimes of Petit Treason or Murder, or of abetting, procuring or counselling the same, shall, at the time of committing any such crime, be seised or entitled for an estate of inheritance not being an estate tail, shall, if such Person shall be attainted of any such crime, escheat after the death of such Person to His Majesty and His successors in right of His Crown.

4. Lands, of which Persons attainted of Petit Treason or Murder, after the 31st December 1836, shall be seised, shall escheat to The King.

Provided always, and be it further Enacted, That in all cases in which any rents, fines, heriots or services shall prior to the *passing of this Act* have been respectively paid or rendered, or ought to have been respectively paid or rendered, or shall after the *passing of this Act* be respectively paid or rendered, or ought after the *passing of this Act* to be respectively paid or rendered to the Mesne Lord of any Manor of any tenure whatsoever in respect of any Lands, such Lands shall, if the person seised of or entitled to the same for an estate of inheritance in fee-simple shall after the said *Thirty-first* day of *December One thousand eight hundred and Thirty-six* die without heirs inheritable to such Lands, or shall after the said *Thirty-first* day of *December One thousand eight hundred and Thirty-six* commit the crimes of petit treason or murder, or of abetting, procuring or counselling the same, and be thereof attainted, escheat, after the death of such person to the Mesne Lord to whom such rents, fines, heriots or services shall have been, or ought to have been, respectively paid or rendered, in case the rents, fines, heriots and services which shall have last accrued to such Mesne Lord in respect of such Lands shall have been respectively paid or rendered, either wholly or in part, or the right of such Mesne Lord, either at law or in equity, to recover or enforce such last accrued rents, fines, heriots or services, if not respectively paid or rendered, either wholly or in part, shall not at the time of such escheat have been barred by the laws then in force for the limitation of actions or suits.

5. In those cases where Rents, &c. shall be payable to a Mesne Lord, in respect of any Lands, such Lands shall escheat to such Mesne Lord.

And be it further Enacted, That the right of the Mesne Lord of any Manor, of any tenure whatsoever, to recover any rents, fines, heriots or services, shall not, for the purposes of this Act, be considered to have been barred by the acceptance of any payment or render in lieu of, or as a compensation for, such rents, fines, heriots or services; and all rents, fines, heriots and services which shall have been expressly waived, dispensed with, or respited, by any Mesne Lord, either by writing or otherwise, shall, for the purposes of this Act, be deemed and considered to have been respectively paid and rendered to such Lord.

6. The right of a Mesne Lord to recover any Rents, &c. shall not be barred by the acceptance of a Compensation for or an express waiver of the same.

7. Rents, &c. paid by any Person to the Lord of a Manor, shall be deemed to be paid in respect of all the Lands of such Person within the Manor.

And be it further Enacted, That in every case in which any Person seised of or entitled to any Lands situate within the ambit of any Manor, shall pay or render any rents, fines, heriots or services to the Lord of such Manor, it shall be deemed and taken for the purposes of this Act that such rents, fines, heriots or services were paid or rendered in respect of all the Lands of such Person which shall be situate within the ambit of such Manor, unless the same shall have been expressly accepted in respect of some particular Lands.

8. Mesne Lords to have the same Franchises, &c. over Lands which shall escheat to The King, as they were entitled to at the time of such Escheat.

Provided always, and be it further Enacted, That the Mesne Lords of Manors of any tenure whatsoever within the ambit of which any Lands which shall, under and by virtue of this Act, escheat to His Majesty or His successors, shall be respectively situate, shall have the same franchises, liberties and privileges in, upon, over and in respect of such Lands, as such Mesne Lords at the time of such escheat were respectively entitled to, or exercised in, upon, over and in respect of such Lands.

9. Owners and Occupiers of Lands which shall escheat to The King, to have the same Rights, &c. in respect of such Lands as were enjoyed at the time of such Escheat.

Provided always, and be it further Enacted, That His Majesty and His successors, and His and their Tenants, or other the Owners and Occupiers for the time being of Lands, which shall, under and by virtue of this Act, escheat to His Majesty or His successors, shall be entitled to the same rights and privileges in respect of such Lands as the person in consequence of whose death or attainder such Lands shall have escheated was entitled to or actually enjoyed in respect of such Lands at the time of such escheat, except such customs and customary rights and privileges as are intended to be abolished by this Act.

10. Lands which shall escheat, to be subject to all such Estates, &c. in Equity, as they were subject to at the time of such Escheat.

Provided always, and be it further Enacted, That all Lands of any tenure whatsoever, which either under and by virtue of this Act or otherwise shall escheat either to His Majesty or His successors, or to the Mesne Lord of any Manor, of any tenure whatsoever, shall, notwithstanding such escheat, be subject and liable to all such estates, rights, interests, charges, liens and incumbrances cognizable in equity only, and also to the right of the widow (if any) of the person so dying to dower in or out of such Lands, as such Lands were subject or liable to at the time of such escheat, or would have been subject or liable to in case such escheat had not taken place, except in the case of a person attainted of the crimes of petit treason or felony, or of abetting, procuring and counselling the same, any estates, rights, interests, charges, liens and incumbrances made and created by such person after committing any such crime.

11. Wills of Persons who shall die without

Provided always, and be it further Enacted, That notwithstanding any thing in this Act contained, all Wills and Codicils already made and

and executed, or hereafter to be made and executed, by Persons who shall after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six* die seised of or entitled to any Lands for an estate of inheritance in fee-simple, without heirs inheritable to such lands, shall have the same force and effect as such Wills and Codicils would have had if this Act had not been passed.

Heirs, to have the same effect as if this Act had not passed.

12. Persons having powers of appointment over Lands which shall escheat either to The King or to a Mesne Lord, may exercise the same as fully as if no such Escheat had taken place.

Provided always, and be it further Enacted, That all Persons who shall for the time being have or be entitled to any powers of appointment, either at law or in equity, over Lands of any tenure whatsoever, by the exercise of which the estate in such Lands which shall have escheated either under this Act, or otherwise to His Majesty or His successors, or to the Mesne Lord of any Manor of any tenure whatsoever may be charged, affected, defeated, extinguished, suspended or postponed, either at law or in equity, and either wholly or in part, shall and may exercise such powers of appointment, and thereby limit or create in such Lands the same uses, trusts, estates, rights, interests, charges, liens and incumbrances, in the same manner and as fully and absolutely in every respect as if no such escheat had taken place; but nothing in this present clause contained shall be deemed or taken to authorize or empower any person attainted of the crimes of petit treason or murder, or of abetting, procuring or counselling the same, to exercise any such power of appointment.

13. Persons having Estates to take effect prior to or in defeasance of any Estate which shall escheat to The King, may alien, &c. the same as fully as if no such Escheat had taken place.

Provided always, and be it further Enacted, That all Persons who shall for the time being have or be entitled to any estates, rights, interests, charges, liens or incumbrances, either at law or in equity, in, upon or affecting any lands of any tenure whatsoever, which either originally or by the exercise of any power of appointment shall have been limited or created to take effect previously to or in defeasance or derogation of the estate in such lands, which shall have escheated either under this Act or otherwise to His Majesty or His successors, shall and may alien, devise, charge and dispose of such lands in the same manner and as fully and absolutely in every respect as if no such escheat had taken place.

14. The King or Mesne Lord shall not require Lands to be exonerated from the Mortgages, &c. affecting the same.

Provided always, and be it further Enacted, That His Majesty or His successors, or the Mesne Lord of any Manor of any tenure whatsoever, to whom Lands of any tenure whatsoever shall escheat, either under and by virtue of this Act or otherwise, which at the time of such escheat shall be subject to any charge, lien or incumbrance, either by way of Mortgage or otherwise, shall not be entitled to require that such Lands shall be exonerated and discharged from such charge, lien or incumbrance, out of the real or personal estate and effects of the person, in consequence of whose

death or attainder, as the case may be, such escheat shall have taken place.

15. Where an equitable Estate shall escheat, the Person seised of the legal Estate shall hold in trust for The King or Mesne Lord, but subject to prior Trusts, &c.

And be it further Enacted, That in every case in which any Lands of any tenure whatsoever shall, for an estate in equity only escheat under this Act either to His Majesty or His successors, or to the Mesne Lord of any Manor of any tenure whatsoever, the person in whom such Lands shall be vested for an estate at law shall from and after such escheat, stand seised and possessed of such Lands in trust for His Majesty or other the Lord to whom such Lands shall have escheated, and his successors or heirs and assigns, subject nevertheless to all such trusts, estates, rights, interests, charges, liens and incumbrances, as well at law as in equity (including the right of any widow to dower in or out of such lands), as such Lands were subject or liable to at the time of such escheat, or as such lands would have been subject or liable to in case such escheat had not taken place, except in the case of persons attainted of the crimes of petit treason or murder, or of abetting, procuring or counselling the same, any estates, rights, interests, charges, liens and incumbrances, made and created by such persons after committing any such crimes.

16. The King or Mesne Lord, to whom Lands shall escheat, shall have the benefit of all attendant Terms.

And be it further Enacted, That in case any Lands which, after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six*, either under and by virtue of this Act, or otherwise, shall escheat either to His Majesty or His successors, or to the Mesne Lord of any Manor, shall at the time of such escheat be vested in any person for any term of years absolute or determinable, or for any other chattel interest whatsoever which shall, either under an express declaration of trust, or by construction of Courts of Equity, be attendant on the inheritance in such Lands, either immediately or subject to any prior trusts, estates, rights, interests, charges, liens or incumbrances, the person, in whom such Lands shall be vested for such term of years, or other chattel interest, shall, so far as the same shall be attendant on the estate for which such lands shall so escheat, and subject nevertheless to the prior claims and demands of all other persons, stand possessed of and entitled to such Lands, for such term of years or other chattel interest in trust for His Majesty or other the Mesne Lord to whom such Lands shall have escheated, and his successors, or heirs and assigns, and to attend the inheritance of such lands.

17. The provisions of this Act, so far as they relate to the escheat of Lands on attainder, shall apply to the forfeiture

And be it further Enacted, That all the provisions in this Act contained, so far as they relate to Lands which shall escheat in consequence of the attainder of any person for the crimes of Petit Treason or Murder, or of abetting, procuring or counselling the same, shall apply

apply to Lands which, or the rents and profits of which shall be forfeited for Petit Treason orFelony.

of Lands for Petit Treason or Felony.

18.
Where the Freehold of any Copyhold Tenement is severed from the Manor, such Tenement shall be held in free and common Socage, subject to the payment to the Freeholder of the Rents, &c. which were payable in respect of such Tenement before such severance, and the Freeholder, for the purpose of escheat, shall be considered the Lord of the Manor.

And be it further Enacted, That in every case in which any Lands held by Copy of Court Roll of any Manor, of any tenure whatsoever, now is or hereafter shall be severed from such Manor, such Lands shall, from and after the *passing of this Act*, or from the time of such severance (as the case may be), be held in free and common socage, but shall nevertheless be subject to the payment to the person for the time being seised of or entitled to the freehold of the Lands so held by Copy of Court Roll of all such rents, fines and heriots to the payment whereof such Lands would have been subject in case the same had not been severed from such Manor; and the person for the time being entitled to the freehold of such Lands shall have the same rights and remedies for enforcing the payment of such rents, fines and heriots as if such person were the Lord of the Manor of whom such Lands were holden; and the person for the time being seised of or entitled to the freehold of such Lands, shall, for the purpose of escheat, be considered the Lord of the Manor of which such Lands are holden; and all the provisions in this Act contained, so far as they apply to the Mesne Lord of any Manor, shall apply to the person for the time being seised of or entitled to the freehold of such Lands; and the expression "the person for the time being seised of or entitled to the freehold" shall, in the construction of this present clause, include all persons whomsoever having any estate whatsoever in the freehold of the Lands held by Copy of Court Roll, and shall, in the case of there being more estates than one, mean the first estate: Provided nevertheless, That nothing in this present clause contained shall be deemed or taken to give to any person a right to recover any rents, fines or heriots in case such right shall at the time of *passing of this Act* have been barred by the Statute passed for the Limitation of Actions and Suits.

19.
Where a Person entitled in Equity to Lands for a term of years, not being attendant on the Inheritance, shall die intestate and without Kindred, the Persons possessed of the legal Estate for such term shall hold in trust for The King, subject to prior Dispositions and Trusts, and the Debts of the Person so dying.

And be it further Enacted, That in case any Person who shall at the time of *passing this Act* be possessed of or entitled to, or who shall at any time after the *passing of this Act* be possessed of or entitled to, in equity only, any Lands of any tenure whatsoever for any term of years absolute or determinable (not being a term attendant on the inheritance of such Lands) shall after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six* die possessed of or entitled to such Lands for such term intestate, and there shall not be any person who, under the Statutes made for the distribution of Estates of Intestates, shall be entitled to the personal estate of the person so dying, then and in such case the person who shall for the time being be possessed of or entitled to such Lands at law for such term of years, shall stand and be possessed of and entitled to such

Lands for such term of years in trust for His Majesty and His successors, but subject nevertheless to all dispositions made thereof by the person so dying, either by way of contract or otherwise, and subject to all trusts, rights, charges, liens and incumbrances affecting the same, to take effect prior to the trust for the benefit of the person so dying, and also subject to the debts and liabilities of the person so dying.

20. Where Persons possessed of Lands for terms of years upon any Trusts shall die intestate and without Kindred, or shall be attainted of Petit Treason or Felony, the Lands shall devolve to The King upon the same Trusts.

And be it further Enacted, That in case any Person who shall at the time of *passing this Act* be possessed of or entitled to, or who shall at any time after the *passing of this Act* be possessed of or entitled to any Lands of any tenure whatsoever for any term of years absolute or determinable upon any trusts, shall after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six*, while possessed of the said term, depart this life intestate, and there shall not be any person who, under the Statutes made for the distribution of Estates of Intestates, shall be entitled to the personal estate of the person so dying, or in case any Person so possessed or entitled as aforesaid shall after the said *Thirty-first* day of *December One thousand eight hundred and Thirty-six* be attainted of Petit Treason or other Felony, then and in such case such Lands shall, on the death or attainder of such person (as the case may be) devolve to His Majesty and His successors upon the trusts on which the person so dying or attainted was possessed of or entitled to such Lands for such term.

21. If at the time of the Escheat of any Lands there shall be a Lease subsisting, The King or Mesne Lord, to whom such Lands shall escheat, shall have the reversion on such Lease, and may distrain for the Rents, and enforce the Covenants, &c.

Provided always, and be it further Enacted, That if at the time when any Lands shall, either under this Act or otherwise, escheat either to His Majesty or His successors, or to the Mesne Lord of any Manor, of any tenure whatsoever, or shall devolve to His Majesty or His successors, there shall be subsisting in such Lands any Lease, then the Lessee under such Lease, his executors, administrators or assigns, shall pay, observe and keep to, and with His Majesty, or other the Mesne Lord to whom the Lands shall so escheat or devolve, and his successors or heirs or assigns, the rents, reservations, covenants, conditions and agreements respectively reserved and contained in such Lease; and His Majesty, or other such Mesne Lord as aforesaid, and his successors or heirs and assigns, shall and may from time to time make or bring all such distresses, actions, suits or entries for non-payment of such rent or reservations, or for non-performance of the covenants, conditions and agreements in such Lease respectively reserved and contained, as could have been taken, made or brought by the person in consequence of whose death such Lands shall have so escheated or devolved, or his heirs and assigns, in case such Lands had not so escheated or devolved; and in all such distresses, actions, suits and entries, the rents

or

or reservations, covenants, conditions and agreements, in such Lease reserved and contained on the part of the Lessee, his executors, administrators or assigns, shall be deemed and taken to be annexed to an immediate reversion vested in His Majesty, or other the Mesne Lord, to whom the Lands shall so escheat or devolve, his executors, administrators or assigns, and in case any action of trespass shall be brought for taking any such distress, may plead thereto the General Issue, and give this Act, or other special matter, in evidence; and also in case any such distress shall be replevied, shall have power to avow or make cognizance generally, in such manner and form as any landlord may now do by virtue of the Statute made in the eleventh year of the reign of his Majesty King GEORGE the Second, intituled, "An Act for the more effectual securing the Payment of Rents, and preventing Frauds by Tenants," or by any other Law or Statute now in force, or hereafter to be made for the more effectually recovering Rent in arrear; and His Majesty or His successors, and such Lord and his bailiffs, agents and servants, shall also have all such and the same remedies, powers, privileges and advantages of pleading, avowing and making cognizance, and be entitled to the same costs and damages, and the same remedies for the recovery thereof, as landlords, their bailiffs, agents and servants are now or hereafter may by law be entitled to have when rent is in arrear.

22. Saving of the Rights of Persons having Royalties, &c.

Provided always, and be it further Enacted, That nothing in this Act contained shall prejudice or affect the rights of any person who under and by virtue of any dignity or office, or of any gift or grant already made or hereafter to be made, or of any other title, or in any other manner howsoever, is entitled at the time of *passing this Act*, or shall at any time after the *passing of this Act*, be entitled to any royalties, or royal franchises, or privileges whatsoever.

23. After the 31st December 1838, Freehold Lands held subject to the customs of Borough English and Gavelkind, and other customary modes of descent, shall be held in free and common socage.

And be it further Enacted, That from and after the *Thirty-first* day of *December One thousand eight hundred and Thirty-eight* the customs of Borough English and Gavelkind respectively, and all customary modes of descent affecting Lands which shall on the said *Thirty-first* day of *December One thousand eight hundred and Thirty-eight* be held subject to the customs of Borough English and Gavelkind, and such other customary modes of descent respectively, shall cease and determine, and such Lands shall be thenceforth held in free and common socage; and all the laws which shall for the time being affect and be applicable to Lands held in free and common socage, shall from and after the said *Thirty-first* day of *December One thousand eight hundred and Thirty-eight* affect and be applicable to Lands which on the said *Thirty-first* day of *December One*

thousand eight hundred and Thirty-eight shall be subject to the customs of Borough English and Gavelkind, and such other customary modes of descent as aforesaid respectively; but nevertheless such Lands shall be held of the same manors, and be subject to the same rents, fines, heriots and services, as such Lands would have been held of and subject to if such customs of Borough English and Gavelkind, and such other customary modes of descent respectively had not ceased and determined.

24. After the 31st December 1838, the customs of Borough English and Gavelkind, and other customary modes of descent affecting Lands held by Copy of Court Roll shall be abolished, and such Lands shall be inherited in the same manner as Lands held in free and common socage.

And be it further Enacted, That from and after the *Thirty-first* day of *December One thousand eight hundred and Thirty-eight*, the customs of Borough English and Gavelkind, and all customary modes of descent whatsoever, affecting Lands which shall on the said *Thirty-first* day of *December One thousand eight hundred and Thirty-eight* be held by Copy of Court Roll, subject to all or any of the customs of Borough English and Gavelkind, and such other customary modes of descent as aforesaid respectively, shall cease and determine; and all the laws which shall for the time being affect and be applicable to Lands held in free and common socage, shall from and after the said *Thirty-first* day of *December One thousand eight hundred and Thirty-eight* affect and be applicable to Lands held by Copy of Court Roll, which on the said *Thirty-first* day of *December One thousand eight hundred and Thirty-eight* shall be subject to all or any of the customs of Borough English and Gavelkind, and such other customary modes of descent as aforesaid respectively: Provided nevertheless, That such Lands shall be held by Copy of Court Roll, and shall continue parcel of the same manors, and shall be subject to the same rents, fines, heriots and services, as such Lands would have been held of and subject to if such customs of Borough English and Gavelkind, and other customary modes of descent respectively, had not ceased and determined: Provided further nevertheless, That nothing herein contained shall be deemed or taken to abolish as to Lands held by Copy of Court Roll, subject to all or any of the customs of Borough English and Gavelkind, and such other customary modes of descent, as aforesaid respectively, all or any of the customs of the Manors of which such Lands may be parcel, except those which are peculiar to the customs of Borough English and Gavelkind, and such other customary modes of descent as aforesaid respectively.

25. After the 31st December 1836, no Beast or Chattel shall be demanded as a Heriot, and the sum of 5 *l.* shall be paid in lieu

And be it further Enacted, That from and after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six*, no Beast or other Chattel shall be seised or demanded by His Majesty or His successors, or by the mesne Lord of any Manor of any tenure whatsoever as a Heriot in respect of any Lands of any tenure whatsoever held of or parcel of such Manor; and in all cases

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in which His Majesty or His successors, or the mesne Lord of any Manor of any tenure whatsoever, shall at the time of *passing this Act* be entitled to any beast or chattel as a heriot in respect of any Lands of any tenure whatsoever held of or parcel of such manor then in lieu of such beast or chattel there shall be paid to His Majesty or His successors, or the mesne Lord of such Manor, his executors, administrators or assigns, by the person from whom such beast or other chattel might have been demanded if this Act had not passed, his executors or administrators, the sum of *Five* Pounds sterling money current in England; and His Majesty and His successors, or the mesne Lord of such Manor, may proceed for the recovery of such sum by action of debt against the person from whom such beast or other chattel might have been demanded if this Act had not passed, his executors or administrators, or may, while the person from whom such beast or other chattel might have been demanded if this Act had not passed, his executors or administrators, or his or their tenant, shall be in the actual possession of the Lands in respect of which such beast or other chattel might have been demanded, distrain on such Lands for such sum, and in case any action of trespass shall be brought for taking any such distress, may plead thereto the General Issue, and give this Act or other special matter in evidence; and also, in case any such distress shall be replevied, shall have power to avow or make cognizance generally in such manner and form as any landlord may now do by virtue of the Statute made in the eleventh year of the reign of his Majesty King GEORGE the Second, intituled, "An Act for the more effectual securing the Payment of Rents, and preventing Frauds by Tenants," or by any other law or statute now in force, or hereafter to be made for the more effectually recovering of rent in arrear; and His Majesty and His successors, or the mesne Lord of such Manor, and his and their bailiffs, agents and servants, shall also have all such and the same remedies, powers, privileges and advantages of pleading, avowing and making cognizance, and be entitled to the same costs and damages, and the same remedies for the recovery thereof as landlords, their bailiffs, agents and servants are now or hereafter may be by law entitled to have when rent is in arrear: Provided nevertheless, That nothing herein contained shall be deemed, construed or taken to authorize or empower His Majesty or His successors, or the mesne Lord of any Manor of any tenure whatsoever, to demand in lieu of any heriot in respect of any Lands of any tenure whatsoever held of or parcel of such Manor any greater sum of money than has been usually taken or accepted as a composition for such heriot.

thereof; but no Lord of any Manor shall be entitled to a greater Sum than what has been usually accepted in lieu of a Heriot.

Escheats.

A

B I L L

For the Amendment of the Law of Escheat, and of the Law relating to Terms of Years to which Persons dying intestate, and without Kindred, shall be entitled at Law or in Equity, and for abolishing customary Modes of Descent, and the taking of Heriots in Specie.

(*Prepared and brought in by Mr. Attorney General and Mr. Solicitor General.*)

Ordered, by The House of Commons, *to be Printed,*
4 *September* 1835.

6 *March* 1835.

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B I L L

To enable Persons having only partial Estates to enfranchise and obtain the Enfranchisement of Lands held by Copy of Court Roll.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

BE it Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Tepmoral, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT in the construction of this Act the word "Manor" shall extend to a manor of any tenure whatsoever: And the word "Lands" shall extend to manors, messuages, lands, tenements, tithes and hereditaments, whether corporeal or incorporeal, or any undivided share thereof, and shall, except where otherwise expressed, mean exclusively manors, messuages, lands, tenements, tithes and hereditaments, whether corporeal or incorporeal, which now are or hereafter shall be held by Copy of Court Roll, for an Estate of Inheritance, and for every other Estate where, according to the custom of the Manor of which the Lands are parcel, the Lord of such Manor is compellable, on the determination by effluxion of time of the Grant under which the Lands shall for the time being be held by Copy of Court Roll, to re-grant such Lands to be held by Copy of Court Roll, or any undivided share thereof: And the word "Estate" shall extend to an Estate in Equity as well as at Law: And the expression "Particular Estate" shall include every Estate whatsoever, except an Estate in respect of or as incidental to which any Person now is or hereafter shall be as to Manors or Lands (not being Manors or Lands held by Copy of Court Roll) enabled, independently of this Act, to convey or dispose of such Manors or Lands for his own benefit, for an absolute and indefeasible Estate in fee simple; and except an Estate in respect of or as incidental to which any Person now is or hereafter shall be, as

1. Meaning of certain Words and Expressions.
"Manor."
"Lands."
"Estate."
"Particular Estate."

to Manors or Lands held by Copy of Court Roll, enabled, independently of this Act, to convey, dispose of or surrender such Manors or Lands for his own benefit, for the whole Estate or Interest for which such Manors or Lands now are or hereafter shall be granted out to be held by Copy of Court Roll; and except any power of appointment already created or hereafter to be created under which, independently of this Act, the donee of such power now is or hereafter shall be as to Manors or Lands, (not being Manors or Lands held by Copy of Court Roll), enabled to appoint for his own benefit, for an absolute Estate in fee simple, or to carry into effect the objects and purposes of this Act; and except any power of appointment already created or hereafter to be created, under which, independently of this Act, the donee of such power now is or hereafter shall be, as to Manors or Lands held by Copy of Court Roll, enabled to appoint for his own benefit, for the whole Estate or Interest for which such Manors or Lands now are or hereafter shall be granted out to be held by Copy of Court Roll, or to carry into effect the objects and purposes of this Act; and except, both as to Manors or Lands (not being Manors or Lands held by Copy of Court Roll) and as to Manors or Lands held by Copy of Court Roll, an Estate vested in any Person by way of mortgage or charge, or as a mere lessee or assignee of any Lease; and except, both as to Manors or Lands (not being Manors or Lands held by Copy of Roll) and as to Manors or Lands held by Copy of Court Roll, an Estate for a term of years absolute vested in any Person not being a mere lessee or assignee of any Lease: And the expression "Annual Rent" shall mean exclusively an Annual Rent granted in consideration of the Enfranchisement of Lands under this Act: And the expression "Apportioned Annual Rent" shall extend to an Annual Rent granted in consideration of the Enfranchisement of Lands under this Act, and also to any apportioned part of such Annual Rent, and any undivided share thereof respectively: And the word "Person" shall extend to a Body Politic, Corporate or Collegiate, as well as an Individual: And every word importing the singular number only shall extend and be applied to several Persons or things, as well as one Person or thing; and every word importing the plural number shall extend and be applied to one Person or thing as well as several Persons or things: And every word importing the masculine gender shall extend and be applied to a Female as well as a Male: Provided always, That those words and expressions occurring in this Clause to which more than one meaning is to be attached shall not have the different meanings given to them by this Clause, in those cases in which there is any thing in the subject or context repugnant to such construction.

"Annual Rent."

"Apportioned Annual Rent."

"Person."

"Number and Gender."

2. Power after the 31st December 1835, to Lords of Manors having particular Estates to enfranchise Lands held by copy of Court Roll.

And be it further Enacted, That if at any time after the *Thirty-first* day of *December One thousand eight hundred and Thirty-five*, there shall be subsisting in any Manor, or any undivided share thereof, any

any particular Estate, then it shall be lawful for the Person seised or possessed of, or entitled to, in his own right, such Manor or undivided Share thereof, for such particular Estate, or the first of such particular Estates (if more than one), whether such Person shall be so seised, possessed or entitled, in possession, or in remainder or reversion expectant on the determination of any Estate vested in any Person as a mere Lessee or Assignee of any Lease, or expectant on the determination of any Estate for a term of years absolute vested in any Person not being a mere Lessee or Assignee of any Lease, to enfranchise all or any of the Lands parcel of such Manor: Provided nevertheless, That it shall not be lawful for any Person so seised or possessed of or entitled to an undivided share of any Manor, to enfranchise under this Act any Lands parcel of such Manor, unless the Person for the time being seised or possessed of or entitled to the other undivided share of such Manor shall concur in enfranchising such Lands.

3. Power after the 31st December 1835, to Copyholders having particular Estates, to obtain the enfranchisement of Lands, &c. held by them by copy of Court Roll.

And be it further Enacted, That if at any time after the *Thirty-first* day of *December One thousand eight hundred and Thirty-five*, there shall be subsisting in Lands any particular Estate, then it shall be lawful for the Person seised or possessed of, or entitled to, in his own right, such Lands for such particular Estate, or the first of such particular Estates (if more than one), whether such Person shall be so seised, possessed of or entitled, in possession, or in remainder or reversion expectant on the determination of any Estate vested in any Person as a mere Lessee or Assignee of any Lease, or expectant on the determination of any Estate for a term of Years absolute vested in any Person not being a mere Lessee or Assignee of any Lease, to obtain the enfranchisement of all or any of such Lands: Provided nevertheless, That it shall not be lawful for any Person so seised or possessed of or entitled to an undivided share of Lands, to obtain under this Act the enfranchisement of such Lands, unless the Person for the time being seised or possessed of or entitled to the other undivided share of such Lands, shall concur in obtaining the enfranchisement of such Lands.

4. Enfranchisements under this Act to be made in consideration of the grant of an Annual Rent charged on th Lands enfranchised or of the conveyance of Lands parcel of the Manor, and subject to the same uses as the Lands enfranchised, or of the payment of a gross sum of Money, or of all or any of such considerations.

And be it further Enacted, That every enfranchisement of Lands under this Act shall be made for all or any of the considerations following; (that is to say) the Consideration of a Grant of an Annual Rent in fee to be thenceforth charged on and issuing out of the Lands enfranchised, or the Consideration of a Conveyance of Lands parcel of the same Manor as the Lands enfranchised, and subject to the same uses and trusts as the Lands enfranchised shall be subject to at the time of such enfranchisement, or the Consideration of the payment of a gross Sum of Money, and the amount of the rent or sum of money, or the Lands to be respectively granted, paid or conveyed, as a consideration for the enfranchisement of Lands under this Act, shall be

be fixed on by the Persons respectively enfranchising and obtaining the enfranchisement of such Lands; and the consideration for every enfranchisement of Lands under this Act shall be either all or such one or more of the considerations aforesaid as the Persons respectively enfranchising and obtaining the enfranchisement of such Lands shall determine.

5. Powers to the Person obtaining the enfranchisement of Lands to grant an Annual Rent to the Person enfranchising such Lands.

And be it further Enacted, That if the Consideration for the enfranchisement of any Lands under this Act shall be either wholly or in part the grant of an Annual Rent, then it shall be lawful for the Person empowered by this Act to obtain the enfranchisement of such Lands to grant to the Person enfranchising the same, and his heirs, an Annual Rent of the amount fixed on, and to charge the same on the Lands enfranchised, and to make the same payable by equal half-yearly payments; and the Annual Rent so granted shall be a Rent Service, and thenceforth parcel of the same manor as the Lands enfranchised.

6. Power to the Person obtaining the enfranchisement of Lands to convey any Lands to the Person making the enfranchisement.

And be it further Enacted, That if the Consideration for the enfranchisement of any Lands under this Act shall be either wholly or in part the conveyance of lands, then it shall be lawful for the Person empowered by this Act to obtain the enfranchisement of the Lands proposed to be enfranchised, to convey to the Person enfranchising the same, and his heirs, the Lands fixed on as the consideration either wholly or in part for such enfranchisement.

7. Power to the Person obtaining the enfranchisement of Lands to charge the same with the payment of a sum, and demise the same for a term, to secure such sum of money with interest thereon.

And be it further Enacted, That if the Consideration for the enfranchisement of any Lands under this Act shall be either wholly or in part the payment of a gross sum of money, then it shall be lawful for the Person empowered by this Act to obtain the enfranchisement of such Lands, to charge the same with the sum fixed on as the consideration either wholly or in part for such enfranchisement, and for securing the payment of such sum, with lawful interest for the same, to demise, by way of mortgage, for any term of years, the Lands enfranchised or any part thereof to the Person who shall advance and lend such sum, or to such other person as he shall appoint, so as such demise be made with a proviso or condition declaring that such demise shall be void on payment of the sum thereby secured, with the interest thereof, at a time to be therein appointed, and also with a covenant to pay and keep down the interest of the sum thereby secured, so that no Person afterwards becoming entitled to such Lands, shall be liable to pay any further or larger arrear of interest than for *Six calendar Months* preceding the time when his title to the possession of such Lands shall have commenced; and every such demise shall be good and effectual in the law for the purposes thereby intended.

8. Power to the Person having a particular Estate in an Annual Rent to apportion the same.

And be it further Enacted, That if at any time while an apportioned Annual Rent shall remain charged on any Lands enfranchised under this

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this Act, there shall be subsisting in such apportioned Annual Rent any particular Estate, (whether such Estate shall have been subsisting at the time of the enfranchisement of such Lands or not) then it shall be lawful for the Person seised or possessed of, or entitled to in his own right, such apportioned Annual Rent for such particular Estate, or the first of such particular Estates (if more than one), whether such Person shall be so seised, possessed or entitled in possession, or in remainder or reversion expectant on the determination of an Estate for a term of years absolute, to divide and apportion such apportioned Annual Rent, and to declare what parts and proportion thereof shall be thenceforth severally charged upon any part of such Lands; and after such apportionment, such apportioned Annual Rent shall be payable in such parts and proportions, and chargeable only upon such parts of such Lands as shall be so declared: Provided nevertheless, That no division or apportionment of an apportioned Annual Rent shall be made under this Act, except with the concurrence of the Person seised or possessed of the Lands enfranchised, on which such apportioned Annual Rent shall for the time being be charged.

9.
Power to the Perſon having a particular eſtate in Lands charged with an Annual Rent, to concur in the apportionment thereof.

And be it further Enacted, That if at any time while an apportioned Annual Rent shall remain charged on any Lands enfranchised under this Act, there shall be subsisting in the Lands so enfranchised, and on which such apportioned Annual Rent shall for the time being be charged, any particular Estate, (whether such Estate shall have been subsisting at the time of the enfranchisement of such Lands or not), then it shall be lawful for the Person seised or possessed of or entitled to in his own right for such particular Estate, or the first of such particular Estates (if more than one), the Lands so enfranchised and on which such apportioned Annual Rent shall for the time being be charged, whether such Person shall be so seised, possessed or entitled in possession, or in remainder or reversion expectant on the determination of any Estate vested in any Person as a mere Lessee or Assignee of any lease, or expectant on the determination of an Estate for a term of years absolute vested in any Person not being a mere Lessee or Assignee of any lease, to concur in any division or apportionment of such apportioned Annual Rent, and to agree what part and proportion thereof shall be thenceforth severally charged upon any part of such Lands.

10.
Power to the perſon having a particular eſtate in an annual rent to releaſe from the ſame the Lands enfranchiſed.

And be it further Enacted, That if at any time while an apportioned Annual Rent shall remain charged on any Lands enfranchised under this Act, there shall be subsisting in such apportioned Annual Rent any particular Estate, (whether such Estate shall have been subsisting at the time of the enfranchisement of such Lands or not), then it shall be lawful for the Person seised or possessed of or entitled to, in his own right, such apportioned Annual Rent for such particular Estate, or

the first of such particular Estates (if more than one,) whether such Person shall be so seised, possessed or entitled in possession, or in remainder or reversion expectant on the determination of an Estate for a term of years absolute, to release from such apportioned Annual Rent all or any of the Lands so enfranchised, and on which such apportioned Annual Rent shall for the time being be charged: Provided nevertheless, That any Person by releasing from any apportioned Annual Rent part of the Lands enfranchised under this Act, and on which such apportioned Annual Rent shall for the time being be charged, shall not be deemed or taken to have released the whole of such Lands from such apportioned Annual Rent.

11. Power to Perſons having particular Eſtates in Lands to obtain a releaſe of the ſame from an Annual Rent.

And be it further Enacted, That if at any time while an apportioned Annual Rent shall remain charged on any Lands enfranchised under this Act, there shall be subsisting in the Lands so enfranchised, and on which such apportioned Annual Rent shall for the time being be charged, any particular Estate, (whether such Estate shall have been subsisting at the time of the enfranchisement of such Lands or not), then it shall be lawful for the Person seised or possessed of or entitled to, in his own right, for such particular Estate, or for the first of such particular Estates (if more than one), the Lands so enfranchised and on which such apportioned Annual Rent shall for the time being be charged, whether such Person shall be so seised, possessed or entitled in possession or in remainder, or reversion expectant on the determination of any Estate vested in any Person as a mere lessee or assignee of any lease, or expectant on the determination of an Estate for a term of years absolute, vested in any Person not being a mere lessee or assignee of any lease, to obtain for the benefit of himself and all other Persons seised or possessed of or entitled to any Estate in the Lands so enfranchised, and on which such apportioned Annual Rent shall for the time being be charged, a release of such Lands from such apportioned Annual Rent: Provided nevertheless, That it shall not be lawful for any Person so seised or possessed of or entitled to an undivided share only of any Lands enfranchised under this Act, and on which any apportioned Annual Rent shall for the time being be charged, to obtain a release of such Lands or of his undivided share thereof from such apportioned Annual Rent, unless the Person seised or possessed of or entitled to the other undivided share of such Lands shall concur in obtaining such release.

12. Releases of Lands from Annual Rents to be made in consideration either of the conveyance of part of the Lands charged with such Annual Rent or a gross sum of money.

And be it further Enacted, That if at any time, while any Lands enfranchised under this Act shall remain charged with an apportioned Annual Rent, it shall be desired to release under this Act from such apportioned Annual Rent, the Lands so enfranchised, and on which such apportioned Annual Rent shall for the time being be charged; then the consideration for such release shall be both or one of the considerations following; (that is to say) the Consideration of a conveyance of part of

of the Lands so enfranchised, and on which such apportioned Annual Rent shall for the time being be charged, or the Consideration of the payment of a gross sum of money, and the Lands so enfranchised and the amount of the sum of money to be respectively conveyed and paid as a consideration for such release, shall be fixed on by the Persons respectively seised of or entitled to such apportioned Annual Rent and Lands; and the Consideration for every such release shall be either both or such of the said Considerations as the Persons respectively seised of or entitled to such apportioned Annual Rent and Lands shall determine.

13. Power to the Perſon obtaining a releaſe of Lands from an Annual Rent to convey Lands to the Perſon releaſing from ſuch Annual Rent.

And be it further Enacted, That if it shall be proposed to release under this Act from an apportioned Annual Rent, Lands enfranchised under this Act, and on which such apportioned Annual Rent shall for the time being be charged, and the consideration for such release shall be either wholly or in part the conveyance of part of the Lands so enfranchised, and on which such apportioned Annual Rent shall for the time being be charged; then it shall be lawful for the Person empowered by this Act to obtain a release from such apportioned Annual Rent to convey to the Person making the release and his heirs such part of the Lands so enfranchised, and on which such apportioned Annual Rent shall for the time being be charged, as shall have been fixed on as the consideration either wholly or in part for such release.

14. Power to the Perſon obtaining a release of Lands from an Annual Rent to charge Lands with a gross sum of money.

And be it further Enacted, That if it shall be proposed to release under this Act from an apportioned Annual Rent, any Lands enfranchised under this Act, and on which such apportioned Annual Rent shall for the time being be charged, and the consideration for such release shall be either wholly or in part a gross sum of money; then it shall be lawful for the Person empowered by this Act to obtain a release from such apportioned Annual Rent to charge with the sum fixed on as the consideration, either wholly or in part, for such release, the Lands so enfranchised, and on which such apportioned Annual Rent shall for the time being be charged, and for securing the payment of such sum with lawful interest for the same, to demise, by way of mortgage, for any term of years, such Lands or any part thereof to the Person who shall advance and lend such sum, or to such other Person as he shall appoint, so as such demise be made with a proviso or condition declaring that such demise shall be void on payment of the sum thereby secured, with the interest thereof, at a time to be therein appointed, and also with a covenant to pay and keep down the interest of the sum thereby secured, so that no Person afterwards becoming entitled to such Lands shall be liable to pay any further or larger arrear of interest than for *Six calendar Months* preceding the time when his title to the possession of the Lands so demised shall have commenced; and every such demise shall be good and effectual in the law for the purposes thereby intended.

15. Perſons may apportion and release from an Annual Rent under this Act, notwithſtanding the Person enfranchiſing the Lands on which the Annual Rent is charged, or apportioning ſuch Annual Rent might have done so independently of this Act.

And be it further Enacted, That every Person having a particular Estate in an apportioned Annual Rent may, under this Act, respectively divide and apportion and release the same, notwithstanding the Lord of the Manor who enfranchised the Lands on which such apportioned Annual Rent shall for the time being be charged, or the Person who divided and apportioned such apportioned Annual Rent was at the time of such enfranchisement and apportionment respectively enabled, independently of this Act, to enfranchise such Lands, or (as the case may be) to divide and apportion such apportioned Annual Rent.

16. Perſons may concur in the apportionment of, or obtain a releaſe of an Annual Rent, &c. under this Act, notwithſtanding the Perſon obtaining the enfranchiſement, or concurring in the apportionment of ſuch Annual Rent, might have done ſo independently of this Act.

And be it further Enacted, That every Person having after the enfranchisement of any Lands under this Act a particular estate in the Lands so enfranchised, and on which any apportioned Annual Rent shall for the time being be charged, may under this Act concur in the apportionment of such apportioned Annual Rent, and obtain the release of such apportioned Annual Rent, and as a consideration either wholly or in part for such release, convey any of the Lands so enfranchised, or charge the same with a gross sum of Money, and demise the same by way of mortgage for any term of years, to any Person advancing such sum, notwithstanding the Person obtaining the enfranchisement of such Lands, or (as the case may be) concurring in the division or apportionment of such apportioned Annual Rent, was at the time of such enfranchisement and apportionment respectively enabled independently of this Act to obtain the enfranchisement of such Lands, and to concur in the apportionment of such apportioned Annual Rent.

17. Perſons for the purpoſe of this Act to be conſidered entitled to Manors, Lands, or Annual Rents, notwithſtanding ſuch Manors, Lands or Annual Rents, or the Eſtates of ſuch Perſons therein, ſhall be charged or incumbered.

And be it further Enacted, That a Person shall, for the purposes of this Act, be considered as seised or possessed of or entitled to in his own right any Manor, Lands of any tenure or apportioned Annual Rent, notwithstanding he shall be so seised, possessed or entitled, subject to any mortgage, charge or incumbrance affecting such Manor, Lands or apportioned Annual Rent, or his Estate only therein, and whether such Manor, Lands or apportioned Annual Rent, or his Estate therein, shall have been so mortgaged, charged or incumbered, either by himself or by any other Person, and notwithstanding the whole of the rents and profits of such Manor or Lands, or the whole of such apportioned Annual Rent (as the case may be) or of his Estate therein respectively, shall be exhausted or required for the payment of the mortgage, charge or incumbrance affecting such Manor, Lands or apportioned Annual Rent, or his Estate therein respectively, and of the Interest thereon.

18. Lands enfranchiſed under this Act to be held of the Lord of the Manor of which they were at the time of enfranchiſement, parcel, in free and common ſocage, ſubject to the rents

And be it further Enacted, That the Lands which shall be enfranchised under this Act shall, from and after the enfranchisement thereof, be held of the Lord of the Manor of which such Lands were parcel at the time of such enfranchisement, in free and common socage, under and subject to such rents and heriots as would have been respectively payable

able to and demandable by the Lord of such Manor in respect of such Lands, if such enfranchisement had not been made; and the Person for the time being seised or possessed of or entitled to the Lands so enfranchised shall, from and after such enfranchisement, have and be entitled to in respect of and as annexed and appurtenant to such Lands all such rights of common and other rights, liberties and privileges in or upon the commons or waste grounds, parcel of such manor, as such Persons would have been entitled to in respect of and annexed and appurtenant to such Lands, in case the same had not been so enfranchised.

payable for such Lands at the time of their enfranchisement.

Provided always, and be it further Enacted, That if at the time when it is proposed to make, under this Act, any enfranchisement of Lands, or any apportionment of an apportioned Annual Rent, or any release of an apportioned Annual Rent, the particular Estate of the Person for the time being to make such enfranchisement, apportionment or release, under this Act, and in respect of which it is proposed to make the same, shall be subject to any Estate for years (not being a mortgage or satisfied term of years attendant on the Inheritance, and not being an Estate vested in any Person as a mere lessee or assignee of any lease), or shall be subject to any mortgage or charge; then every such enfranchisement, apportionment and release shall be made with the consent of the Person for the time being possessed of or entitled to such Estate for years, mortgage or charge.

19. Enfranchisements of Lands or apportionments of or releases from Annual Rents under this Act, shall be made with the consent of the Person entitled to Estates for years, mortgages or charges.

Provided always, and be it further Enacted, That if at the time when it is proposed, in consideration of any enfranchisement under this Act, to convey any Lands, or to grant any Annual Rent, or to charge the Lands enfranchised with any gross sum of Money; or if at the time when it is proposed to make any apportionment under this Act of an apportioned Annual Rent; or if at the time when it is proposed, in consideration of the release under this Act, from an apportioned Annual Rent of the Lands enfranchised, in consideration of an Annual Rent, to convey any of the Lands so enfranchised, the particular Estate of the Person for the time being to make such Conveyance, Grant or Charge, or to concur in such apportionment, and in respect of which it is proposed respectively to make or concur in the same, shall be subject to any Estate for years (not being a mortgage or a satisfied term attendant on the Inheritance, and not being an Estate vested in any Person as a mere lessee or assignee of any lease), or shall be subject to any mortgage or charge, then every such conveyance, grant, charge or apportionment shall be made with the consent of the Person for the time being possessed of or entitled to such Estate for years, mortgage or charge.

20. Conveyances, grants, charges and apportionments shall be made with the consent of the Persons entitled to Estates for years, mortgages or charges.

21. If the Person to make any enfranchisement, &c. shall be an Archbishop or Bishop, then such enfranchisement, &c. shall be made with the consent of the Dean and Chapter, &c.

Provided always, and be it further Enacted, That if the Person to make any enfranchisement, conveyance, grant, release or charge, or to make or concur in any apportionment under this Act, shall be an Archbishop or Bishop, then such enfranchisement, conveyance, grant, release, charge or apportionment shall be made with the consent of the Dean and Chapter of the Cathedral Church which shall be locally situate within the Diocese of such Archbishop or Bishop.

22. If the Person to make any enfranchisement, &c. shall be a Dean and Chapter, &c., such enfranchisement, &c. shall be made with the consent of the Bishop.

Provided always, and be it further Enacted, That if the Person to make any enfranchisement, conveyance, grant, release or charge, or to make or concur in any apportionment under this Act, shall be a Dean of any Cathedral Church, or a Dean and Chapter of any Cathedral Church, or the Prebendary of any Prebend founded in any Cathedral Church, or the Vicars of any Cathedral Church; then such enfranchisement, conveyance, grant, release, charge or apportionment shall be made with the consent of the Bishop of the Diocese within which such Cathedral Church shall be locally situate.

23. If the Person to make any enfranchisement, &c. shall be a Parson or Vicar, &c., then such enfranchisement, &c. shall be made with the consent of the Patron and Ordinary.

Provided always, and be it further Enacted, That if the Person to make any enfranchisement, conveyance, grant, release or charge, or to make or concur in any apportionment under this Act, shall be a Parson, Vicar or other Incumbent for the time being of any Ecclesiastical Benefice, Perpetual Curacy or Parochial Chapelry (not being the Vicars of any Cathedral Church); then such enfranchisement, conveyance, grant, release, charge or apportionment shall be made with the consent of the Patron of such Benefice, Perpetual Curacy or Parochial Chapelry, and of the Bishop of the Diocese within which the same is locally situate.

24. Where the Lands proposed to be conveyed under this Act shall be held on lease, together with other hereditaments, at an entire Rent, no such conveyance shall be made without the consent of the Lessee.

Provided always, and be it further Enacted, That if at the time when it is proposed to convey under this Act any Lands in consideration of the enfranchisement of any Lands, or to convey in consideration of the release from an apportioned Annual Rent any Lands enfranchised under this Act, such Lands shall be held together with other Hereditaments under any Lease at one entire pecuniary Rent, and the Person empowered by this Act to make such conveyance shall be entitled either at law or in equity to the Rent reserved and made payable in such Lease or any part thereof; then no such conveyance shall be made without the consent of the Lessee under such Lease, his Executors, Administrators or Assigns.

25. Where the Lands proposed to be conveyed under this Act shall be held on Lease, together with other Hereditaments, at an entire Rent, the Person empowered to make such conveyance shall concur

Provided always, and be it further Enacted, That if at any time when it is proposed to convey under this Act any Lands in consideration of the enfranchisement of any Lands, or to convey, in consideration of the release from an apportioned Annual Rent, any Lands enfranchised under this Act, such Lands shall be held, together with other hereditaments

ments, under any Lease at one entire pecuniary Rent, and the Person empowered by this Act to make such conveyance shall be entitled, either in law or in equity, to the Rent reserved and made payable in such Lease, or any part thereof, then it shall be lawful for the Person empowered by this Act to make such conveyance, to concur with the Lessee under such Lease, his executors, administrators or assigns, and with the Person to whom such conveyance shall be made in dividing and apportioning the Rent reserved by such Lease, and fixing and determining what part of such Rent shall be thenceforth charged on and issuing out of such Lands, and the part so fixed and determined on shall be accordingly charged on and issuing out of such Lands, and the residue of such Rent shall be thenceforth payable and issuing out of the other hereditaments comprized in such Lease.

with the Lessee and the Person to whom such conveyance shall be made, in apportioning such Rent.

26.

Where Lands proposed to be charged under this Act with an Annual Rent or a gross sum of money shall be held on lease, and the Rent payable under such lease shall be less than the Annual Rent or the Interest on the gross sum proposed to be charged, no such charge shall be made without the consent of the Lessee.

Provided always, and be it further Enacted, That if at the time when it is proposed under this Act to grant any Annual Rent, or to charge any Lands proposed to be enfranchised under this Act with any gross Sum of Money, or to charge any Lands enfranchised under this Act and proposed to be released from an apportioned Annual Rent with any gross Sum of Money, the Lands proposed to be charged with such Annual Rent or gross Sum of Money shall be held under any Lease, and the reversion expectant on the determination of such Lease shall be vested in the Person empowered by this Act to grant such Annual Rent or Charge with such gross Sum of Money, and no pecuniary Rent shall be reserved and made payable in such Lease, or the net pecuniary Rent (if any) reserved under such Lease and payable to the Person empowered by this Act to grant such Annual Rent or charge with such gross Sum of Money, shall be less in amount than the Annual Rent proposed to be granted, or the Interest on the gross Sum proposed to be charged under this Act; then no such Grant or Charge shall be made without the consent of the Lessee under such Lease, his Executors, Administrators or Assigns.

27.

If the Person empowered by this Act to enfranchise any Lands, or apportion or release any AnnualRent, shall be an Infant or Lunatic, the Guardian of such Infant or Committee of such Lunatic to be substituted in his place for the purposes of this Act.

And be it further Enacted, That if at the time when it is proposed to make under this Act any enfranchisement of Lands, or any apportionment of an apportioned Annual Rent, or any release from an apportioned Annual Rent, the Person empowered by this Act to enfranchise such Lands or to apportion such apportioned Annual Rent, or to release from such apportioned Annual Rent, shall be a Minor, Idiot or Lunatic, then the Guardian of such minor, or the Committee of the Estate of such idiot or lunatic (as the case may be), shall for the purposes of this Act be substituted in the place of the Person empowered by this Act to enfranchise such Lands or to apportion such apportioned Annual Rent, or to release from such apportioned Annual Rent; and all acts, deeds, matters and things empowered by this Act to be

done and executed for the purpose of enfranchising such Lands, or apportioning such apportioned Annual Rent, or releasing from such apportioned Annual Rent, shall be done and executed by the guardian of such minor, or the committee of such idiot or lunatic (as the case may be).

28. If the Person empowered by this Act to obtain an enfranchisement of Lands or a release from an Annual Rent, or to concur in the apportionment of an Annual Rent, shall be an Infant or Lunatic, the Guardian of the Infant or Committee of the Lunatic to be substituted in his place for the purposes of this Act.

Provided always, and be it further Enacted, That if at the time when it is proposed, in consideration of the enfranchisement of any Lands, to make under this Act any conveyance of Lands, or any grant of an Annual Rent, or any charge of any gross sum of money on the Lands proposed to be enfranchised, or if at the time when it is proposed, in consideration of the release from any apportioned Annual Rent, to make under this Act a conveyance of any Lands so enfranchised, or if at the time when it is proposed to apportion any apportioned Annual Rent, the Person empowered by this Act to obtain such enfranchisement or release, or to concur in such apportionment, shall be a Minor, Idiot or Lunatic, then the Guardian of such minor, or the Committee of the Estate of such idiot or lunatic (as the case may be), shall for the purposes of this Act be substituted in the place of the Person empowered by this Act to obtain such enfranchisment or release, or require and agree to such apportionment; and all acts, deeds, matters and things empowered by this Act to be done and executed for the purpose of making the conveyance, grant or charge to be respectively made in consideration either wholly or in part of such enfranchisement or release, or for the purpose of concurring in such apportionment, shall be made and executed by the guardian of such minor, or the committee of such idiot or lunatic (as the case may be).

29. Gross sums of Money to be paid for the enfranchisement of Lands and the release from an Annual Rent under this Act shall, except in the case of a Spiritual Corporation, be paid to Trustees to be appointed and approved by Two Barristers of Seven Years' standing, &c.

And be it further Enacted, That if the consideration for any Enfranchisement under this Act, or for any Release under this Act from an apportioned Annual Rent, shall be either wholly or in part a gross sum of Money, and the Person to make such enfranchisement or release shall be seised or possessed of or entitled to, for a particular estate, the manor of which the Lands proposed to be enfranchised shall be parcel, or the apportioned Annual Rent proposed to be released, but shall not be a Spiritual Corporation, either aggregate or sole, then the sum to be paid, either wholly or in part, as the consideration for such enfranchisement or release, shall be paid to *Two* or more Trustees to be nominated and appointed by *Two* Barristers-at-Law, each of whom shall be of at least *Seven Years*' standing at the Bar; and when and so often as, in consequence of any of the Trustees so to be appointed as aforesaid, or to be appointed as hereinafter directed, dying or declining to act in the Trusts hereby in them reposed, there shall not be at least *Two* Persons who shall be Trustees willing and capable to act in the said Trusts, then and in every such case, and immediately thereupon, the surviving or continuing Trustee, or the last continuing Trustees or Trustee,

or

or the Executors or Administrators of the last surviving or continuing Trustee, shall, and he and they is and are hereby required to appoint any Person or Persons to be a new Trustee or new Trustees to act in the said Trusts, but so nevertheless that there shall at all times be at least Two Trustees to act in the said Trusts ; and upon every such appointment of new Trustees, the sum which shall have been received as such consideration as aforesaid, and the stocks, funds and securities in which the same shall for the time being be invested in pursuance of this Act, or so much thereof respectively as shall not have been applied or disposed of pursuant to the directions of this Act, shall be paid, assigned and transferred so as to be vested in such new Trustee or Trustees, either solely or jointly with the surviving or continuing Trustee or Trustees, as occasion shall require.

30. Gross sums to be paid for the enfranchisement of Lands or the release of an Annual Rent under this Act, shall, in the case of a Spiritual Corporation, be paid to the Governors of Queen Anne's Bounty.

And be it further Enacted, That if the consideration for any enfranchisement under this Act, or for any release under this Act from an apportioned Annual Rent, shall be either wholly or in part a gross sum of Money, and the Person to make such enfranchisement or release shall be a Spiritual Corporation either aggregate or sole, then the sum to be paid either wholly or in part as the consideration for such enfranchisement or release, shall be paid to the Governors, authorized or appointed to regulate and superintend the Bounty given by her late Majesty Queen Anne for the augmentation of the maintenance of the poor Clergy.

31. The receipts of the Persons to whom any gross sums shall be paid pursuant to this Act shall be sufficient discharges, &c.

And be it further Enacted, That the receipts of the persons to whom any gross sum of Money shall be paid pursuant to this Act, shall be sufficient discharges for the same, and the Person paying such gross sum of money shall not be liable to see to the application of such sum, or be liable for the misapplication or non-application thereof.

32. Persons to whom gross sums of money, being the consideration for the enfranchisement of Lands or the release from an Annual Rent under this Act shall be paid, shall apply the same in paying off charges affecting the Manor or Annual Rent, or in the purchase of other Estates, to be settled to the same uses as the Manor or Annual Rent, or in the redemption of the Land-tax charged on the Manor, &c, and in the mean time invest the same in Government or real Securities.

And be it further Enacted, That the Persons to whom any gross sum of money, being the consideration either wholly or in part for the enfranchisement of any Lands, or for the release from any apportioned Annual Rent, shall be paid in pursuance of the directions of this Act, or the Persons appointed under this Act in their stead, shall apply the same in or towards the payment or discharge of any mortgage, charge, lien or incumbrance which shall affect the manor of which the Lands enfranchised shall be parcel, or any undivided share thereof, or any hereditaments which shall be then subject to the same uses as such manor or undivided share thereof, or as the case may be, which shall affect the apportioned Annual Rent released, or any hereditaments which shall be subject to the same uses as such apportioned Annual Rent, or in the purchase of other hereditaments of an indefeasible estate of inheritance in fee-simple, in possession or subject only

to any lease at rack-rent; and the hereditaments so to be purchased, shall be settled to, for and upon such and the like uses, trusts, intents and purposes as such manor or undivided share thereof, or as the case may be, such apportioned Annual Rent shall be subject at the time of making such conveyance; or in case of a sum of money paid either wholly or part for the enfranchisement of Lands, shall pay and apply the same in or towards the purchase or redemption of the land-tax payable in respect of the manor of which the Lands enfranchised shall be parcel, or of any other hereditaments which shall be subject to the same uses as such manor; and the Persons to whom any gross sum of money, being the consideration either wholly or in part for the enfranchisement of any Lands, or for the release from any apportioned Annual Rent, shall be paid in pursuance of the directions of this Act, or the Persons appointed under this Act in their stead, shall in the meantime and until they shall apply such sum in such payments or purchases as aforesaid, invest the same in their names in the Three per centum Consolidated, or Three per centum Reduced Bank Annuities, or on Government or Real Securities in England or Wales, and the dividends or interest arising therefrom shall be paid to the persons who would for the time being have been entitled to the rents and profits of the hereditaments so to be purchased, conveyed and settled, in case the same had been then actually purchased, conveyed and settled.

33. Every enfranchisement, &c. under this Act to be made by the same Assurance as if the Person making the same had been seised in fee at law, and such Assurance shall operate by transmutation of possession, and pass an Estate in fee simple at law.

And be it further Enacted, That every enfranchisement, release, conveyance, grant, charge, demise and apportionment which shall be made under this Act, shall be effected by some one of the assurances (not being a Will) by which such enfranchisement, release, conveyance, grant, charge, demise and apportionment could have been made, if the Person making the same was seised or possessed of, or entitled to for an Estate at law in fee-simple absolute, the manor, lands or apportioned Annual Rent to be respectively affected by such enfranchisement, release, conveyance, grant, charge, demise and apportionment; and if the Person to make such assurance shall be the husband of a feme covert, then such feme covert shall concur in such assurance; and every assurance by which a feme covert shall so concur, shall be acknowledged by her pursuant to an Act passed in the third and fourth years of the reign of His present Majesty, intituled, "An Act for the abolition of Fines and Recoveries, and for the substitution of more simple modes of Assurance;" and if any Manor, Lands and Annual Rent shall be settled to the separate use of a feme covert, such assurance shall be made by her as if she were a feme sole; and every assurance by which any enfranchisement, conveyance, grant or demise shall be made, shall take effect by transmutation of possession; and every assurance by which any enfranchisement, conveyance or grant shall be made, shall pass to the Person to whom the same shall be respectively made, an Estate in fee-simple at law, except in the case

of

of the conveyance to the Lord of any Manor of Lands held by Copy of Court of Roll for any Estate not being an Estate of Inheritance, in which case such conveyance shall pass to such Lord all the Estate and Interest at law for which such Lands shall have been granted out, to hold by Copy of Court Roll, freed and discharged from the tenure by Copy of Court Roll, and from all right, claim and demand whatsoever either at law or in equity of or by any Person, to have the same re-granted, to be held by Copy of Court Roll; and every conveyance and grant under this Act in consideration of the enfranchisement of Lands, shall be made by the same assurance by which such Lands shall be enfranchised; and every conveyance under this Act in consideration of the release of an apportioned Annual Rent, shall be made by the same assurance by which such apportioned Annual Rent shall be released; and every assurance by which any such enfranchisement, release, conveyance, grant, charge, demise and apportionment shall be made under this Act, shall be sealed and delivered by the Person making the same in the presence of, and shall be attested by *Two* or more witnesses.

34. Where the concurrence of any Person is required to any enfranchisement, &c. the same shall be given by the same Assurance by which the enfranchisement, &c. shall be made.

And be it further Enacted, That where the concurrence or consent of any Person shall be requisite under this Act to any enfranchisement, release, conveyance, grant, charge, demise or apportionment, such concurrence or consent shall be given by the assurance by which the enfranchisement, release, conveyance, grant, charge, demise or apportionment shall be made; and the Person whose concurrence or consent shall be requisite, shall seal and deliver such assurance in the presence of *Two* or more witnesses, who shall attest such sealing and delivery.

35. All Lands conveyed and Annual Rents granted on the enfranchiſement of Lands ſhall be ſubject to ſuch Settlements, Wills, Deeds, &c. and no other, as ſhall affect the Manor of which the Lands were parcel, at the time of the enfranchiſement.

Provided always, and be it further Enacted, That all Lands which shall be conveyed, and all Annual Rents which shall be granted in consideration, either wholly or in part, of the enfranchisement of Lands under this Act, shall be subject to all such settlements, wills, mortgages, deeds and other instruments, estates, rights, titles, interests, incumbrances, claims and demands, and no other, as shall affect the Manors of which the Lands enfranchised were respectively parcel at the time of their enfranchisement, and also as such Manors would have been respectively subject or liable to if such enfranchisement had not been made.

36. Lands conveyed under this Act in conſideration of the releaſe of an Annual Rent ſhall be ſubject to the Settlements, Wills, Deeds, &c. and no other, which ſhall affect ſuch Annual Rent.

Provided always, and be it further Enacted, That all Lands enfranchised under this Act which shall be conveyed under this Act, in consideration either wholly or in part of the release of an apportioned Annual Rent, shall be subject and liable to all such settlements, wills, mortgages, deeds and other instruments, estates, rights, titles, interests, incumbrances, claims and demands, and no other, as shall, at the time of such release affect the apportioned Annual Rent so released, and as such apportioned Annual Rent would have been subject or liable to if such release had not been made.

37. Lands enfranchiſed under this Act ſhall be ſubject to ſuch Settlements, Wills. Deeds, &c. and no other, as ſhall affect ſuch Lands at the time of the enfranchiſement.

Provided always, and be it further Enacted, That all Lands enfranchised under this Act, shall be subject and liable to all such settlements, wills, mortgages, deeds and other instruments, estates, rights, titles, interests, incumbrances, claims and demands, and no other, as shall affect such Lands at the time of such enfranchisement (not being customary or copyhold payments, duties, services or customs), and shall be also subject to all such wills made prior to such enfranchisement by Persons living at the time of such enfranchisement, as would have affected such Lands, if such enfranchisement had not been made.

38. Lands which ſhall be releaſed under this Act from an Annual Rent ſhall be ſubject to ſuch Settlements, Wills, Deeds, &c., and no other, as ſhall affect ſuch Lands at the time of the release.

Provided always, and be it further Enacted, That all Lands enfranchised under this Act, which shall be released under this Act from an apportioned Annual Rent, shall from and after such release be subject to such settlements, wills, mortgages, deeds and other instruments, estates, rights, titles, interests, incumbrances, claims and demands and no other, as shall affect such Lands at the time of such release, and would have affected the same if such release had not been made.

39. Assurances under this Act to be binding on all Persons having claims on the Manors, Lands or Annual Rent, the subject of such Assurance and Recitals therein to be conclusive evidence, but any Assurance may be avoided for fraud.

Provided always, and be it further Enacted, That every assurance by which an enfranchisement, grant, conveyance, release, charge, demise or apportionment, shall be made under this Act, shall be valid and binding on all Persons whomsoever having or claiming any estate, right, title, interest, charge, lien, incumbrance, claim or demand whatsoever in, to, out of, or upon the Manor of which the Lands enfranchised were parcel at the time of such enfranchisement, or the Lands and apportioned Annual Rent respectively enfranchised, granted, conveyed, released, charged, demised and apportioned, or the Lands enfranchised and charged with the apportioned Annual Rent for the time being apportioned, or who might or would have had and claimed any estate, right, title, interest, charge, lien, incumbrance, claim and demand whatsoever in, to, out of or upon such Manor, Lands and apportioned Annual Rent respectively if such assurance had not been made, and that notwithstanding any defect in the title of the Persons respectively making and executing such assurance, or concurring in or consenting to the same; and the recitals in every assurance by which an enfranchisement, grant, conveyance, release, charge, demise or apportionment shall be made under this Act, shall for all purposes whatsoever be deemed conclusive evidence of the truth of the facts therein stated, and also of the contents of all deeds, wills and other documents therein recited; and it shall not be necessary to produce in any court of law or equity, or otherwise, any deed, will or other document in verification of any recital contained in any such assurance:

40. If, at the time of the conveyance of any Lands in consideration of the enfranchisement of any

Provided always, and be it further Enacted, That if at the time of the conveyance of any Lands under this Act, in consideration either wholly or in part of the enfranchisement of any Lands, there shall be subsisting

subsisting in the Lands so conveyed any lease, then the lessee under such lease, his executors, administrators and assigns, shall pay observe and keep to and with the person to whom such Lands shall be so conveyed, or other the Person for the time being seised of or entitled to such Lands expectant on the determination of such lease, and his executors or administrators, the rent, reservations, covenants, conditions and agreements respectively reserved and contained in such lease, or such and so many or such part of the rent, reservations, covenants, conditions and agreements respectively reserved and contained in such lease, as are or ought to be thenceforth respectively paid, observed and kept in respect of the lands so conveyed; and the Person to whom such Lands shall be conveyed, or other the Person so for the time being seised of or entitled as aforesaid, shall and may from time to time make or bring all such distresses, actions, suits or entries for non-payment of such rent or reservations, or for non-performance of the covenants, conditions and agreements in such lease respectively reserved and contained, as could, in case such enfranchisement and conveyance had not been made, have been taken, made or brought by the Persons making such conveyance, or other the Person for the time being seised of or entitled to the reversion expectant on the determination of such lease; and that in all such distresses, actions, suits and entries, the rent, reservations, covenants, conditions and agreements in such lease reserved and contained on the part of the lessee, his executors, administrators or assigns, shall be deemed and taken to be annexed to an immediate reversion vested in the Person to whom such Lands shall be so conveyed, or other the Person for the time being so seised of or entitled to such Lands as aforesaid.

Lands under this Act, there shall be a Lease subsisting, the Person to whom such Lands shall be conveyed, shall have the reversion on such Lease, and may distrain for the Rents and enforce the Covenants, &c.

41.

Provided always, and be it further Enacted, That if at the time of the enfranchisement of any Lands under this Act, there shall be subsisting in such Lands any lease, then the lessee under such lease, his executors, administrators and assigns, shall pay, observe and keep to and with the Person for the time being seised of or entitled to the Lands so enfranchised, and his executors or administrators, the rent, reservations, covenants, conditions and agreements respectively reserved and contained in such lease, or such and so many or such part of the rent, reservations, covenants, conditions and agreements respectively reserved and contained in such lease, as are or ought to be thenceforth respectively paid, observed and kept, in respect of the lands so enfranchised; and the Person for the time being seised of or entitled to the Lands so enfranchised, shall and may from time to time make or bring all such distresses, actions, suits or entries for non-payment of such rent or reservations, or for non-performance of the covenants, conditions and agreements in such lease respectively reserved and contained, as could have been taken, made or brought by the Person who would for the time being have been entitled to the Lands so enfranchised, in case such enfranchisement and conveyance had

If, at the time of the enfranchisement of any Lands, there shall be any Lease subsisting therein, the Person to whom the Lands are conveyed shall have the reversion on that Lease, and may distrain for the Rents and enforce the Covenants, &c.

had not been made; and in all such distresses, actions, suits and entries, the rents or reservations, covenants, conditions and agreements in such lease reserved and contained on the part of the lessee, his executors, administrators or assigns, shall be deemed and taken to be annexed to an immediate reversion vested in the Person for the time being seised or possessed of or entitled to the Lands so enfranchised.

42. Lands conveyed as a consideration for enfranchisements shall not be re-granted as Copyhold.

And be it further Enacted, That no Lands which shall be conveyed as a consideration either wholly or in part for any enfranchisement under this Act, shall at any time after such conveyance, be re-granted to be held by copy of Court Roll.

43. If a Person shall be seised in fee at law of any Manor, and at the same time shall be seised at law of Lands parcel of such Manor for the whole Estate for which the same shall be held by Copy of Court Roll, such Lands shall not be re-granted as Copyhold.

And be it further Enacted, That if after the *Thirty-first* day of *December One thousand eight hundred and Thirty-five*, any Person shall be seised or possessed of, or entitled to, in his own right at law, any Manor for any Estate (not being a particular Estate, and not being an Estate vested in any Person by way of mortgage or charge, or as a mere lessee or assignee of any lease, and not being an Estate for a term of years absolute, or an Estate tail after possibility of issue extinct), and shall at the same time be seised or possessed of, or entitled to, in his own right at law, any Lands parcel of such Manor, for the whole estate, for which such Lands shall, under the grant subsisting at the time of his becoming so seised, possessed or entitled, have been granted out to be held by copy of Court Roll, (whether such Person shall be seised or possessed of or entitled to such Manor or Lands respectively in possession, or in remainder or reversion, expectant on the determination of an estate, vested in any Person as a mere lessee or assignee of any lease, or expectant on the determination of any Estate for a term of years absolute vested in any Person, not being a lessee or assignee of any lease) then such Lands shall not be re-granted to be held by copy of Court Roll.

44. After the 31st December 1835 no Lands shall be granted out as Copyhold, unless previously granted out as such.

And be it further Enacted, That after the *Thirty-first* day of *December One thousand eight hundred and Thirty-five*, the Lord of any Manor, whatever may be his estate or interest therein, shall not grant out to be held by copy of Court Roll, for any Estate whatsoever any Lands which shall not have been previously actually granted out to be held by copy of Court Roll.

45. Lands held by Copy of Court Roll for lives or years shall not on the determination of the Grants under which they shall be held be granted out as Copyhold after the 31st December 1835, unless there are customs in the

And be it further Enacted, That Lands already, or on or before the *Thirty-first* day of *December One thousand eight hundred and Thirty-five*, granted out to hold by Copy of Court Roll for Estates for lives or years shall not on the determination, by effluxion of time, of the grants under which such Lands shall be respectively held by Copy of Court Roll (whether such Grants shall determine before or on or after the said *Thirty-first* day of *December One thousand eight hundred and Thirty-*

Thirty-five) be granted out after the said *Thirty-first* day of *December One thousand eight hundred and Thirty-five*, to hold by Copy of Court Roll, unless there shall be in the Manors of which such Lands are respectively parcel customs, under which the Lords of such respective Manors shall be compellable on the determination, by effluxion of time, of the Grants under which such Lands shall for the time being be respectively held by Copy of Court Roll to regrant such Lands to hold by Copy of Court Roll.

Manors under which the Lords shall be compellable to grant them out as such.

46.

When and as, after the 31st December 1835, the grants under which Lands are held by Copy of Court Roll for lives or years, shall determine and there shall not be a custom in the Manor under which the Lord shall be compellable to regrant the Lands as Copyhold, and the Person entitled to the Manor in possession shall be entitled as Lessee or for a particular Eatate, such Person may demise such Lands for the same Estate, &c., for which the Lands could have been granted out as Copyhold, if this Act had not passed.

And be it further Enacted, That when and so often as, after the *Thirty-first* day of *December One thousand eight hundred and Thirty-five*, the Grants under which any Lands shall be respectively held by Copy of Court Roll for an Estate for life or lives, or for years, shall determine by effluxion of time, and there shall not be in the Manor of which such Lands are parcel, a custom under which the Lord of such Manor shall be compellable on the determination of the Grant under which such Lands shall for the time being be held by Copy of Court Roll to regrant such Lands to hold by Copy of Court Roll, then in case the Person who shall on the determination of such Grant be seised or possessed of or entitled to such Manor in possession, or to the Rents, Issues and Profits thereof, shall be so seised or possessed or entitled as the Lessee or Assignee of any lease, or for any particular Estate, it shall be lawful for the Person so seised, possessed or entitled to demise or lease such Lands for the same Estate or Estates for which such Lands could, according to the custom of such Manor, have been granted out to hold by Copy of Court Roll in case this Act had not been passed, but nevertheless at under and subject to the same Rents, Heriots and Payments as would have been payable in respect of such Lands in case the same had been granted out to hold by Copy of Court Roll: Provided nevertheless, That nothing herein contained shall be taken to authorize any Person to make any demise or lease under this present clause, unless he shall be an Ecclesiastical Corporation, or (not being an Ecclesiastical Corporation) shall be seised, possessed or entitled for a particular Estate under a Settlement, Deed, Will or other Instrument made or executed already, or on or before the said *Thirty-first* day of *December One thousand eight hundred and Thirty-five*, or under any Deed or Instrument already, or at any time hereafter, made or executed in pursuance of any such Settlement, Deed, Will or other Instrument, or unless he, or the Person under whom he claims, shall be the lessee or assignee of any lease already, or on or before the *Thirty-first* day of *December One thousand eight hundred and Thirty-five*, granted by any Person whomsoever, or shall be the lessee or assignee of any lease at any time after the said *Thirty-first* day of *December One thousand eight hundred and Thirty-five*, granted by any Ecclesiastical Corporation, or granted by any Person (not being an Ecclesiastical Corporation) already, or at any time hereafter, seised, possessed or entitled to a

particular Estate under a Settlement, Deed, Will or other Instrument made or executed already, or on or before the said *Thirty-first* day of *December One thousand eight hundred and Thirty-five*, or under any Deed or Instrument already, or at any time hereafter, made or executed in pursuance of any such Settlement, Deed, Will or other Instrument.

5 WILL. IV.—Sess. 1835.

A

B I L L

To enable Persons having only partial Estates to enfranchise and obtain the Enfranchisement of Lands held by Copy of Court Roll.

Ordered, by The House of Commons, *to be Printed,*
6 *March* 1835.

737

13 *August* 1835.

A

B I L L

To amend an Act of the Second Year of His present Majesty, for making Provision for the Dispatch of the Business now done by the Court of Exchequer in Scotland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS by an Act passed in the second year of the reign of His present MAJESTY, intituled, "An Act for making provision for the Dispatch of the Business now done by the Court of Exchequer in Scotland," it is amongst other things enacted, that if at any time after the passing of the said Act the number of the Barons of the said Court shall be reduced, or after the retirement or decease of the last remaining Baron, then and in such case it shall and may be lawful during the indisposition or absence of the Baron and Barons of such Court to which the same shall be reduced, or of the Judge of the Court of Session, to be appointed to try the Suits and Causes in the said Court, to and for the Judge of the Court of Session, officiating as Lord Ordinary upon the Bills for the time being, to grant Warrant for the issuing of all Commissions to find Debts, and Fiats for the issuing of all Writs and Extents, and other Process issuable out of the said Court of Exchequer, and also to revise such Signatures for the granting of Crown Charters as may be of an urgent nature and require dispatch, in like manner and to as full force and effect as the Lord Chief Baron or o ther Barons of the said Court are by law authorized to do: Preamble. 2 W. 4. c. 54.

And whereas the Lord Chief Baron, and one of the Barons of the said Court of Exchequer have retired since the passing of the said Act, and the powers and duties of the said Court of Exchequer are now discharged by the sole remaining Baron of the said Court:

And whereas, in consequence of the continued indisposition of the said sole remaining Baron, it has become expedient to provide more effectually for the proper dispatch of the business of the said Court of Exchequer;

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual

and

1. In case of indisposition of remaining Baron of Court of Exchequer, Judge of Court of Session to try Suits in Exchequer Court.

and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT at any time after the *passing of this Act*, it shall and may be lawful, during the indisposition or unavoidable absence of the said sole remaining Baron of the Court of Exchequer, or of the Judge of the Court of Session, to be appointed to try the Suits and Causes in the said Court, and perform the other duties thereof in the said recited Act mentioned, to and for the Judge of the Court of Session officiating as Lord Ordinary upon the Bills for the time being, to try all Suits and Causes in the said Court of Exchequer, either in Term or out of Term, as he shall appoint, to grant warrant for the issuing of all Commissions to find Debts, and Fiats for the issuing of all Writs of Extent and other process issuable out of the said Court of Exchequer, and to revise, compound and pass Signatures for the granting of Crown Charters, and generally to perform all the powers and duties of the said Court of Exchequer as fully and effectually as the Lord Chief Baron, Barons and sole remaining Baron of the said Court were and are by law authorized to do; any thing in the said recited Act to the contrary notwithstanding.

2. Act to continue in force until end of next Session of Parliament.

And be it further Enacted, That this Act shall continue in force until the *end of the next Session of Parliament.*

6 WILL. IV.—Sess. 1835.

A

B I L L

To amend an Act of the Second Year of His present Majesty, for making Provision for the Dispatch of the Business now done by the Court of Exchequer in Scotland.

(*Prepared and brought in by The Lord Advocate and Mr. Attorney General.*)

Ordered, by The House of Commons, *to be Printed,* 13 *August* 1835.

517.

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(Ireland.)

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B I L L

For facilitating the appointment of Sheriffs in Ireland, and the more effectual Audit and Passing of their Accounts, and for the more speedy return and recovery of Fines, Issues, forfeited Recognizances, Penalties, and Deodands; and to abolish certain Offices in the Court of Exchequer in Ireland, and to amend the Laws relating to Grants in Custodiam, and recovery of Debts in Ireland, and to amend an Act passed in the Second and Third Years of His Majesty's Reign, intituled, "An Act for transferring the Powers and Duties of the Commissioners of Public Accounts in Ireland to the Commissioners for auditing the Public Accounts of Great Britain."

[Note.—The Words and Clauses printed in *Italics* are proposed to be inserted in the Committee.]

Preamble.

WHEREAS it appears by the Twelfth Report made to His Majesty by the Commissioners appointed to inquire into the Duties, Salaries and Emoluments of the Officers, Clerks and Ministers of Justice, in all Temporal and Ecclesiastical Courts in Ireland, that it is expedient to make provision for the better taking of the Accounts of Sheriffs and of Custodees in trust for His Majesty, and to abolish the proceeding by Custodiam, for the recovery of Debts due by subject to subject, and to substitute another remedy for it; and that certain Offices in the Court of Exchequer in Ireland may be abolished;

And whereas it is expedient to extend to Ireland certain provisions of an Act passed in the third and fourth years of His Majesty's reign, intituled, "An Act for facilitating the Appointment of Sheriffs, and the more effectual Audit and Passing of their Accounts, and for the more speedy Return and Recovery of Fines, Issues, forfeited Recognizances, Penalties and Deodands, and to abolish certain Offices in the Court of Exchequer."

Be it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *commencement of this Act*, it shall not be necessary for any Sheriff or Sheriffs of any County, City or Town in Ireland to sue out any Patent or Writ of Assistance, or to make or pay proffers, nor shall he or they be opposed or take any oath or oaths before the Barons of the said Court, to account or be cast out of Court, as now or heretofore in use in His Majesty's Court of Exchequer in Ireland; any law, statute or usage to the contrary notwithstanding.

1. Sheriffs need not sue out Patent or Writ of Assistance, or take Oath, or be opposed in the Exchequer.

2. Sheriff to be appointed by Warrant.

And be it further Enacted, That whenever any Person shall be duly nominated by the Lord Lieutenant, or other Chief Governor or Governors of Ireland, for and to be Sheriff of any county in Ireland, such appointment shall be forthwith notified in the Dublin Gazette, and the appointment of every such Sheriff shall be made by a Warrant under the signature or signatures of the said Lord Lieutenant, or other Chief Governor or Governors of Ireland, according to the form set forth in the Schedule hereto annexed, which Schedule, and every thing therein contained, shall be deemed and be part of this Act; and every such Warrant shall be made out by the Chief or Under Secretary of the said Lord Lieutenant, or other Chief Governor or Governors, and shall be by him transmitted to the person so nominated and appointed Sheriff as aforesaid; and the appointment of Sheriff thereby made, shall be as good, valid and effectual in the law, to all intents and purposes whatsoever, as if the same had been made by Patent under the Great Seal of Ireland, or by any ways and means heretofore in use; and the Sheriff and Sheriffs so nominated and appointed as aforesaid, shall thereupon and upon taking the oath of office hereafter mentioned, but not before, have and exercise all powers, privileges and authorities whatsoever usually exercised and enjoyed by Sheriffs of counties in Ireland, without any Patent Writ of Assistance or other Writ whatsoever, or entering into recognizance by himself or sureties, and without payment of or being liable to pay any fees whatsoever for the same.

3. Duplicate of Warrant to be transmitted to the Secondary of the Chief Remembrancer.

Provided always, and be it further Enacted, That a duplicate of the said Warrant shall, within *Ten* Days next after the date thereof, be transmitted by the said Chief or Under Secretary to the Secondary of the Chief Remembrancer of the said Court of Exchequer, to be by him enrolled, and which he is thereby required forthwith to enrol, and to keep without fee or reward.

4. Sheriff to transmit Duplicate of appointment of Under-

And be it further Enacted, That from and after the *commencement of this Act*, any Person so appointed Sheriff as aforesaid, who shall nominate

nominate and appoint any person to be his Under Sheriff, shall make such appointment by writing under his hand, and shall, within *One* Month after such appointment, transmit a duplicate thereof to the said Secondary, to be by him filed, and which he is hereby required to file among the records of his Office, and for which he shall be entitled to demand and have from such Under Sheriff, the sum of *Five* Shillings and no more; and such appointment and duplicate shall not be liable to any Stamp Duty whatever, and any Sheriff neglecting so to do shall forfeit a sum of to any Person who will sue for the same.

Sheriff to Chief Remembrancer's Secondary.

5.

Oath of Office may be taken before a Baron, or before Remembrancer or a Commissioner for taking Affidavits.

And be it further Enacted, That each and every Person so appointed Sheriff and Under Sheriff as aforesaid, shall, before he enter upon the execution of his office, take the Oath heretofore and now required by law, which Oath shall be fairly written on parchment, without being subject to Stamp Duty, and signed by him, and shall and may be sworn before the Barons of His Majesty's Exchequer, or any of them, or before the said Chief Remembrancer, or any Commissioner for taking Affidavits in such Court, and the same shall be thereupon transmitted to the said Secondary, who is hereby required to file the same among the Records of his office, for which he shall be entitled to demand and have from such Sheriff or Under Sheriff the sum of *Five* Shillings, and no more, and no Sheriff or Under Sheriff shall act as such until such Affidavit shall be lodged with such Secondary, on pain of forfeiting for any act so done a sum of to any Person who shall sue for the same.

6.

Outgoing Sheriff to give a List of Prisoners, Writs, &c. to his Successor.

And be it further Enacted, That every Sheriff of any county, city, liberty, division, town corporate or place, shall, at the expiration of his office, make out and deliver to the new or incoming Sheriff a true and correct List and Account, under his hand, of all Prisoners in his custody, and of all Writs and other process in his hands not wholly executed by him, with all such particulars as shall be necessary to explain to the said incoming Sheriff the several matters intended to be transferred to him, and shall thereupon turn over and transfer to the care and custody of the said incoming Sheriff all such Prisoners, Writs and Process, and all records, books and matters appertaining to the said office of Sheriff; and the said incoming Sheriff shall thereupon sign and give a duplicate of such List and Account to the Sheriff going out of office, to whom the same shall be a good and sufficient discharge of and from all the Prisoners therein mentioned and transferred to the said incoming Sheriff, and the further charge of the execution of the Writs, Process and other matters therein contained, without any Writ of discharge, or other Writ whatsoever; and the said incoming Sheriff shall thereupon stand and be charged with the said Prisoners, and also with the execution and care of the said Writs, Process and other

matters contained in the said List and Account as fully and effectually as if the same Writs and Process had been turned over by indenture and schedule; and in case any Sheriff shall refuse or neglect, at the expiration of his office, to make out, sign and deliver such List and Account as aforesaid, or shall make out an untrue or incorrect List or Account, or who shall refuse or neglect to turn over the Process aforesaid in manner aforesaid, every such Sheriff so neglecting or refusing shall be liable to make such satisfaction by damages and costs to the party aggrieved as he she or they shall sustain by such neglect or refusal.

7. Accounts of Sheriffs to be audited by the Chief Remembrancer.

And be it further Enacted, That the Accounts of the present and future Sheriffs of counties, cities and towns within Ireland shall, from and after the *passing of this Act*, be examined and audited by the said Chief Remembrancer, who shall possess all such power, authority and jurisdiction in respect thereof as is now possessed by the said Court.

8. Sheriff to transmit Accounts to the Remembrancer.

And be it further Enacted, That every the Person and Persons who now is or are, or who hereafter shall be Sheriff or Sheriffs of any county, city or town within Ireland, or his or their representatives, shall, within *Two* calendar Months next after the expiration of his or their office, or, in case of the death of any Sheriff or Sheriffs, the Under Sheriff by him or them appointed, or the representative of such Sheriff or Sheriffs, shall, within *Two* calendar Months next after the death of such Sheriff or Sheriffs, make out and transmit to the said Remembrancer a just and true account, under his or their hand or hands, of all Sums received by such Sheriff or Sheriffs, to or for the use of His Majesty, or with which he was or is chargeable, and of all sums paid or claimed by him or them, or on his or their behalf, with all such particulars as shall be needful to explain the same: Provided always, That such Under Sheriff shall not be personally responsible for any sum or sums received by such deceased Sheriff, but that the same shall be answered by the representatives of the said deceased Sheriff or otherwise in due course of law.

9. Sheriff may make Oath to the Account before any Judge, &c.

And be it further Enacted, That in case it shall be necessary for any such Sheriff or Sheriffs, or his or their Under Sheriff, to make oath or affidavit to any such Account, or any matter or thing relating thereto, such oath or affidavit, except when the said Remembrancer shall require his or their personal examination before him, shall and may be sworn before any of the Barons of the Court of Exchequer at Dublin, or before the said Remembrancer, or before any Commissioner of the said Court of Exchequer.

Provided

10. Accounts to be declared by the Remembrancer in the Court of Exchequer.

Provided always, and be it further Enacted, That the Accounts by this Act required to be audited by the said Remembrancer shall be declared and certified by him in the said Court, and he shall have power to charge in such Account such sum to such Sheriff as he shall appear to be properly chargeable with; and every Sheriff shall pay into the receipt of His Majesty's Exchequer at Dublin the balance due by him on such account, at such time as shall be specified in such rule or order as the said Remembrancer shall make thereupon; and the said Remembrancer shall thereupon, or as soon as conveniently may be, cause a certificate thereof, in the nature of a quietus, to be made out and delivered to such Sheriff without fee or reward, and which shall be equally valid and effectual as a quietus to discharge the Accountant, and to all other intents and purposes.

11. Remembrancer to cause Process to issue for recovering Fines, &c.

And be it further Enacted, That the said Remembrancer shall cause to be made out and issued, according to the practice of the said Court, and without fee or reward, process for duly levying and enforcing of all such Fines, Issues, Amerciaments, Penalties, Forfeitures, Recognizances and Deodands payable to His Majesty, His heirs and successors (except as hereinafter mentioned) which have not heretofore been levied, recovered, vacated or discharged, and so from time to time until the same shall be fully paid or levied, vacated or discharged.

12. Treasury may stay Proceedings.

And be it further Enacted, That it shall be lawful for the Lord High Treasurer, or the Commissioners of His Majesty's Treasury, and he or they are hereby authorized, by warrant under their hands directed to the proper officer or officers, to stay the issuing or execution of all or any of such Process as aforesaid, and to vacate and discharge such Fines, Issues, Amerciaments, Penalties, forfeited Recognizances or Deodands, or any of them, or any part thereof: Provided, That nothing in this Act contained shall extend to enable the Lord Treasurer, or the Commissioners of His Majesty's Treasury to remit or restore any Fines, Issues, Amerciaments, Penalty, forfeited Recognizance or Deodand to which any Body Corporate or Politic, Person or Persons, shall or may be entitled which shall have been actually levied by or paid to them: And provided further, That nothing herein contained shall prevent the Lord Lieutenant, or other Chief Governor or Governors of Ireland, from remitting any Fine imposed on any Person or Persons as a punishment for any offence.

13. Persons interested in Fines, &c. may examine Accounts.

And be it further Enacted, That all Bodies Corporate and Politic, and all and every other Person and Persons having or claiming title to any Fines, Issues, Amerciaments, Penalties, Forfeitures, Recognizances, Deodand, sum or sums of Money contained in any Account transmitted by virtue of this Act to the said Remembrancer, shall and may, by themselves, or their his or her Bailiff, Steward or Agent at all

seasonable times, have access to the said Accounts and take Minutes or Extracts therefrom.

14. Treasury may direct Payments to Persons entitled.

And be it further Enacted, That it shall be lawful for the Lord High Treasurer, or any *Three* or more of the Commissioners of His Majesty's Treasury, from time to time to order and direct payment, by warrant under his or their hand or hands, of the said Fines, Issues, Amerciaments, Penalties, forfeited Recognizances, Deodands, sum and sums of Money, or any of them, to any Body Corporate or Politic, Person or Persons, entitled to the same, or to their his or her Bailiff, Steward or Agent: Provided always, That notwithstanding such payment, any Body Politic or Corporate, or Person or Persons, aggrieved thereby, shall and may apply by petition in the manner hereinafter mentioned against the Party or Parties to whom such shall have been made, to restore or refund the Sum or Sums by him or them so received.

15. If Treasury refuse, application may be made to the Exchequer.

Provided always, and be it further Enacted, That in case the Commissioners of His Majesty's Treasury shall neglect, refuse or decline to order the payment of any Fines, Issues, Amerciaments, Penalties, forfeited Recognizances, Deodands, sum or sums of Money so claimed as aforesaid, or if any Party shall be aggrieved by any order made by the said Commissioners, it shall be lawful for any such Body or Bodies Corporate or Politic, Person or Persons, to apply in a summary way by petition to the Lord Chief Baron and the other Barons of His Majesty's Court of Exchequer in Ireland, setting forth the nature of the claim or title of the Petitioner or Petitioners; and thereupon the said Barons of His Majesty's Court of Exchequer shall and they are hereby authorized to proceed to call the proper Parties before them, and to hear and determine the matter of the said Petition, and to give such costs and to make such order and orders therein as they shall deem just.

16. Saving of Rights by Grant from the Crown.

Provided also, and be it further Enacted, That nothing herein contained shall extend or be prejudicial to the rights, privileges and remedies of any Bodies Corporate or Politic, or of any Lord of any Manor, Liberty or Franchise whatsoever, or of any Person or Persons claiming title under and by virtue of any grant from the Crown; any thing herein contained to the contrary notwithstanding.

17. Saving of Jurisdiction of Barons of the Exchequer.

Provided always, and be it further Enacted, That nothing herein contained shall extend to prejudice or affect the power, jurisdiction or authority of the Lord Chief Baron and the other Barons of His Majesty's Court of Exchequer in Ireland, as to the said Fines, Issues, Amerciaments, Penalties, Forfeitures, Recognizances and Estreats, or any Process or proceedings thereon.

And

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18. Offices of Comptroller of the Pipe, Clerk of the Pipe, Summonister and Clerk of the Estreats, Transcripter and Foreign Opposer, and Secondary in the Office of Lord Treasurer's Remembrancer to be abolished.

And be it further Enacted, That the following Offices of the said Court of Exchequer in Ireland shall from and after the *commencement of this Act* be and the same are hereby abolished; (that is to say) the Offices of the Comptroller of the Pipe, Clerk of the Pipe, Summonister and Clerk of the Estreats, and Transcriptor and Foreign Opposer, and the Officers of Secondary in the office of Lord Treasurer's Remembrancer.

19. Duties of Second Remembrancer, in future, to be performed in person, present Grant to cease.

AND whereas the office of Second Remembrancer of the said Court is at present held by Sir Hugh Stewart, Baronet, and Mervyn Stewart, Esquire, and the duties thereof are performed by Deputy; and it is expedient that the duties of the said office should in future be performed in person; BE it therefore Enacted, That the grant of the office of Second Remembrancer made to the said Sir Hugh Stewart, Baronet, and Mervyn Stewart, Esquire, shall from and after the *commencement of this Act*, cease and determine; and that the Person to whom the said office shall henceforth be granted shall perform the duties thereof in person.

20. *Proviso for Compensation.*

AND whereas it is reasonable and fit that Compensation should be made to Persons deprived of their offices, or of any lawful fees and emoluments by virtue of this Act; BE it therefore Enacted, That it shall be lawful for the Lord High Treasurer or Commissioner of His Majesty's Treasury for the time being, or any Three or more of them, by warrant under his or their hand or hands, to order or direct that such annual or other Compensation shall be made to the said Persons for such loss as they will respectively sustain by reason of the provisions of this Act, as shall be just and reasonable; and such Compensation shall be issued and paid and payable out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland: Provided always, That an account of all such Compensations shall, within Fourteen Days next after the same shall be so granted, be laid upon the table of the House of Commons, if Parliament shall be then assembled, or if Parliament shall not then be assembled, within Fourteen Days after the meeting of Parliament then next following.

21. *Claims for Compensation may be referred to the Barons.*

And be it further Enacted, That, for the better enabling of His Majesty's Treasury to form a correct judgment of the nature and amount of the Compensations which it may be reasonable and proper to make to the said Officers whose Fees may be taken away or diminished as aforesaid for the loss thereof, it shall and may be lawful for the Commissioners of His Majesty's Treasury from time to time to refer all claims for such Compensation to the examination and consideration of the Barons of the said Court of Exchequer in Ireland.

22. Records heretofore kept in abolished Offices, to be delivered to the Chief Remembrancer.

And be it further Enacted, That the several Records, Books and other public Documents of and concerning the duties and business of the said offices so abolished as aforesaid, and also of and concerning the said office of Second Remembrancer of the said Court, shall, upon or immediately after *the commencement of this Act*, be delivered by the several Officers or Persons having custody of the same, into the hands and care of the said Chief Remembrancer, to be by him preserved and kept, subject nevertheless to such uses, orders and regulations as the Lord Chief Baron and the other Barons of the said Court of Exchequer, and the Lord High Treasurer, or any *Three* of the Commissioners of His Majesty's Treasury, shall or may from time to time ordain or make touching the same.

23. Proceedings heretofore had in abolished Offices, to be had in Chief Remembrancer's Office.

And be it further Enacted, That from and after the *commencement of this Act*, all process and other proceedings, estreats, taxation of costs, matters and things usually issued, had, done, received, filed, recorded, returnable to, or taken by the Officers whose offices are hereby abolished, or any of them, or by the said Second Remembrancer, which shall from thenceforth be by law required, or needful to be issued, done, had, received, filed, recorded or taken, shall be issued, done, had, received, filed, recorded, returnable to and taken by the said Chief Remembrancer, or by the Officers in his office, by and under his direction, as fully and effectually to all intents, constructions or purposes as the same might or could have been issued, done, had or taken by the said Officers, or the said Second Remembrancer, before the *passing of this Act*, subject nevertheless to all such rules, orders and regulations as shall or may be made from time to time for regulating or discontinuing the same by the said Chief Remembrancer, with the approbation of the Lord Chief Baron and the other Barons of the Court, and which he is hereby authorized to make and ordain accordingly.

24. Copies and Extracts may be taken.

And be it further Enacted, That Searches may be made and Copies or Extracts of and from the said Records, Books and Documents, shall and may be had and taken at such times and in such manner as the said Chief Remembrancer shall, by and with the approbation of the said Lord Chief Baron and the other Barons of the said Court direct; and all such Copies or Extracts, signed and authenticated by such Chief Remembrancer, or such Person or Persons as shall or may be appointed by the said Remembrancer for that purpose, shall be available in evidence, and as valid and effectual to all intents and purposes as the same would be by law have been if the same had been signed, authenticated and given before the *passing of this Act*, by the Officers whose offices are hereby abolished, or by the said Second Remembrancer, or any of them.

And

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25. Grants in custodiam for Debts to the Crown, to be made on application of Commissioners of the Treasury, unless cause shown to the contrary.

And be it Enacted, That it shall be lawful for the Secondary of the said Chief Remembrancer, upon application to him on behalf of the Lord High Treasurer, or the Commissioners of His Majesty's Treasury, in the matter of any Debtor to His Majesty whose debt shall be a debt of Record in the said Court, and on the Certificate of the Attorney or Solicitor General for Ireland that such debt is over due to the Crown, to enter a Rule in such matter, that a Custodiam be made to such Person as shall be named on behalf of the said Lord High Treasurer or Commissioners in trust for His Majesty, of the lands tenements and hereditaments of such Debtor, to hold to such Trustee until such debt be discharged, unless cause to the contrary be shown to the said Chief Remembrancer, at such time as shall be appointed by such Rule for that purpose, and upon proof that a copy of such Rule hath been served upon the Debtor, or left at his last place of residence, or that he hath absconded, or that his last place of residence cannot be discovered, and that such Rule or Order has been served in such manner as the said Chief Remembrancer may have directed, it shall be lawful for the said Chief Remembrancer, at the time appointed by the said Rule for that purpose, to make the same absolute, or to allow any cause shown against the same in the whole or in part, or to make such further order in the matter as he shall deem just, and to confine the grant in custodiam to so much of the lands tenements or hereditaments of the Debtor as may be sufficient for securing a due and prompt payment of the debt; and he shall, by every such order, direct that the Custodee shall come in and account before him, at such time or times as he shall in every such order direct; and every grant in custodiam shall be made out by his said Secondary, and shall be signed and enrolled by him, and for which he shall receive a fee of

Pounds.

26. Second Remembrancer to receive such References, and perform such ministerial duties, as the Court shall direct.

And be it Enacted, That it shall be the office and duty of the said Second Remembrancer to receive and report upon all such References as shall be made to him by the said Court in any cause or matter pending at the Equity side thereof, and to do and perform such other ministerial Duties there as he shall be required to perform by any order of the said Court.

27. Examiner of Chief Remembrancer to be Examiner of Second Remembrancer.

And be it Enacted, That the Examiner of the Chief Remembrancer shall be also Examiner of the said Second Remembrancer, and shall perform all such duties, and possess all such rights and powers as Examiner of the said Second Remembrancer as he now performs or possesses as Examiner of the Chief Remembrancer.

28. Receiver may be appointed of Lands heretofore granted in custodiam.

And be it Enacted, That it shall be lawful for any Person or Persons to whom any grant in custodiam hath heretofore been made in his or their own right, or his or their representatives or assigns, to

apply to the Court of Exchequer, at the Equity side thereof, by a petition stating such grant, and his rights under the same, for an order for the appointment of a Receiver over the lands granted in custodiam to him, or to apply to the said Court, or to the Court of Chancery, as the case may be, by a like petition, that any Receiver already appointed over the said lands, or any of them, be extended to the matter of his said Petition; and such Court shall thereupon, in case it shall appear that any sum is due on account of the demand for which such grant in custodiam was made, make an order for appointing or extending a Receiver over the whole or a competent part of the lands granted in custodiam, and such Receiver shall be authorized to apply the rents and profits of the said lands to the payment of the debt for which such grant in custodiam had been made, and such other charges upon the said lands, and in such priority as the Court in which such Receiver is appointed may direct: Provided always, and be it Enacted, That every such Petition shall be, on the filing thereof, verified by affidavit, in which the Person claiming the benefit of the said grant in custodiam shall state the sum due upon or under such grant for principal, interest and costs, after all just and fair allowances whatsoever; and the Court shall, notwithstanding such statement, on the application of any Person interested in the lands granted in custodiam, make an order, referring it to the proper officers of the Court to take an account of what is due to the Custodee for principal, interest and costs, charging him with all sums which have been received, or which, without wilful default or neglect, might have been received under or by virtue of the said grant in custodiam; and if any such Custodee, or his representatives or assigns, shall neglect to present such Petition before the Twelfth day of February next for the appointment of a Receiver, or to have a Receiver already appointed, extended to the matter of his Petition, or to verify such Petition, and procure an order thereon as aforesaid, then and in every such case the grant in custodiam of such Custodee shall thenceforth cease and be dissolved, and the lands extended shall be discharged from the same; provided, however, that it shall be lawful for the said Court of Exchequer, if it shall think fit, to extend for a further period of *Three* Months the time for presenting such Petition, or obtaining such order, upon a special application for that purpose made.

29. After appointment of Receiver in matter of Petition, founded on Grant in custodiam, further Proceedings in custodiam to be stayed.

And be it Enacted, That from and after the pronouncing of any absolute Order for appointing or extending a Receiver in the matter of a Petition founded on a grant in custodiam obtained before the *passing of this Act*, all further proceedings in such custodiam shall be stayed, but the Court of Exchequer shall have power to make such order in such cnstodiam matter for enforcing the payment of any rent due out of the lands granted in custodiam at the *passing of this Act*, or the enforcing of any Attachment theretofore awarded, or any order theretofore

tofore made in such custodiam matter as fully as if this Act had not been passed; and every Person who shall at the time of the *passing of this Act* hold any lands under a letting made in such custodiam matter shall be entitled to hold the same for the residue of his term as if this Act had not been passed, but not further or otherwise, and the recognizance of such Tenant and his sureties shall continue and be valid and binding on them respectively, and be, if necessary, put in suit, and the Rent payable by such Tenant and not actually paid to the Custodee shall be paid to such Receiver, and the rights of every Person who at the time of *passing this Act* shall be a party in any suit then pending in a Court of Equity in consequence of a grant in custodiam theretofore made, or of the representative of a Person so made a party in a Suit then pending, shall be determined as it would be if this Act had not been made: Provided, and be it Enacted, That in any case in which a Receiver has been appointed by the Court of Exchequer in any custodiam matter, any Person interested in the continuance of such Receiver shall be at liberty to present a Petition stating that fact, and thereupon the Court shall make an order declaring that such Receiver shall be continued in the matter of such Petition, and the Recognizances of such Receiver and his Sureties shall be considered valid and binding on them as if they were entered into in the matter of such Petition, and all such proceedings shall be had in such matter as would under this Act be had in case a Receiver was for the first time appointed or extended under the provisions hereof.

29.

30.

In future, Grants in Custodiam to be made only in trust for His Majesty;

Receiver may be appointed on Judgment or Recognizance, over so much of the Debtor's Lands as the Court shall direct.

And be it Enacted, That from and after the *commencement of this Act* no grant in custodiam for recovery of any Debt or Demand shall be made save in trust for His Majesty and for a Debt due to the Crown and certified to be so by the Attorney or Solicitor General for Ireland; and it shall be lawful for any Person entitled to sue out or who has already sued out a Writ of Elegit upon any Judgment recovered in any of His Majesty's Courts at Dublin, or to issue or who has issued execution in any Suit or Proceeding on any Recognizance, there to apply by Petition to the Court of Chancery or to the Court of Exchequer at the Equity side thereof, for an order that a Receiver may be appointed of the Rents and Profits of the entire and not of a moiety only of all lands tenements or hereditaments which he would be entitled to have extended or appointed under a Writ of Elegit, or extended, seized or taken under a Writ of Levari facias or other proceeding on such Recognizance, or to have a Receiver thereof appointed by that Court extended to that matter; and it shall be lawful for the Court to appoint a Receiver accordingly over the whole thereof, or over so much thereof as shall appear to it sufficient for the purposes of paying the sum due on such Judgment or Recognizance; and every such Petition shall state the Judgment or Recognizance, and the Sum due thereon,

and shall be verified by the Affidavit of the Person interested, stating the Sum due for Principal, Interest and Costs over and above all just and fair allowances; and it shall be lawful for the said Court to require proof by the affidavit of the Party applying for such order, or by such other affidavit or affidavits or evidence as it shall require of the particulars and annual rental or value of the lands over which such Receiver shall be sought.

31. Receiver to apply Rents as Court shall direct.

And be it Enacted, That every Receiver so to be appointed as aforesaid shall apply all Sums which he shall receive as such according to such order or orders as the Court shall make for that purpose; and that it shall be lawful for the Court to extend the Receiver from the matter of the petition of one creditor to the matter of the petition of any other or others, and to order the Rents and Profits to be applied according to the priority of each, as ascertained by the date of the entry of the Judgment or enrolment of the Recognizance.

32. Tenants to pay Rents to Receiver.

And be it Enacted, That in every order made for the appointment of a Receiver as aforesaid, the Tenants shall be required to pay him all Rents due or which shall become due by them for or in respect of the lands mentioned in such order; and every such order shall require the Receiver to enter into security by himself, and *Two* Sureties to such amount as shall be therein specified, and such further security as the Court shall from time to time direct, for the due performance of his duties; and every such security shall be given by recognizance, and such recognizance may be acknowledged either before the Court or any Judge or Master thereof, or any Master Extraordinary or Commissioner authorized to take affidavits, or to take special Bail therein, and shall be inrolled in such Court; and such order shall not be served on the tenants, nor shall such Receiver receive any of the Rents until such recognizance shall be inrolled.

33. Receiver to account.

And be it Enacted, That every Receiver to be appointed as aforesaid, shall account *Once* in every year, as the Court shall direct; and the Court in which he is appointed or acting shall exercise all power, authority and jurisdiction over him, and in the matter in which he shall be appointed, which it might exercise if he were appointed in a cause pending there.

34. Persons neglecting to call Receiver to account, chargeable with loss.

And be it Enacted, That if any Receiver shall neglect to account as aforesaid, and the Person for whose benefit he shall have been appointed or continued shall neglect to take the necessary proceedings for compelling him so to do, every such Person shall be chargeable with any loss which may be sustained by any default or neglect of such Receiver: Provided always, That it shall not only be lawful for the Party

Party at whose suit he shall have been appointed, but also for any other Party interested in the matter to apply to the Court that he may be compelled to account.

35. Judgment to be satisfied when Debt paid.

And be it Enacted, That so soon as the debt due on foot of any Judgment or Recognizance shall have been paid off as aforesaid, or as it shall appear to the Court that it might have been paid off, if it were not for the default or neglect of the Person entitled thereto, it shall be lawful for the Court to direct satisfaction to be entered thereupon, and thereupon or so soon as every Judgment or Recognizance for recovering which the Receiver shall have been extended shall be satisfied, he shall be discharged.

36. Priorities to be determined without date or Inquisition.

And be it Enacted, That in determining the priority of the demands of Creditors, the Court in which any question respecting such priority shall arise, shall not give to the demand of any Creditor priority over the demand of another, in consequence of his having obtained an inquisition on an outlawry or other proceeding taken by him, but shall determine such priority as if no such inquisition was had; and every Creditor who shall obtain an order for the appointment of a Receiver under the provisions of this Act, shall be considered to be a Creditor who has issued and executed an execution on his Judgment or Recognizance from the date of such order, and so as not to be effected by the bankruptcy of his Debtor, further or otherwise than he would be if his debtor became bankrupt after execution executed.

37. Monies received by Receiver, to be applied under the Orders of the Court.

And be it Enacted, That in case any sum shall be received by any such Receiver before an order shall be made to extend him to the matter of another petition, the money so received by him shall be distributed and paid under the orders of the Court, as it would have been if such further order, extending him, had not been made, but in distributing the Funds thereafter to be received, the Court shall have regard to the rights of the Person or Persons at whose instance the Order extending the Receiver was made; and the Court shall have power, if it shall think fit to direct, in any case, that the costs incurred by the Person at whose instance the Receiver was first appointed, in in procuring such appointment, to be paid out of the funds collected by the Receiver, without regard to the priority of the Person on whose application such Receiver was appointed.

38. Treasury authorized to refer Public Accounts to Chief Remembrancer.

AND whereas it is expedient to alter and amend an Act passed in the second and third years of the reign of His present Majesty, intituled, "An Act for transferring the Powers and Duties of the Commissioners of Public Accounts in Ireland, to the Commissioners for auditing the Public Accounts of Great Britain;" BE it therefore Enacted, That it shall be lawful for the Lord High Treasurer, or any

Three or more of the Commissioners of His Majesty's Treasury, and he and they are hereby authorized in all cases in which he or they shall think fit, to refer it to the said Chief Remembrancer of the Court of Exchequer in Ireland, to inquire into the matter of any account or into any question arising upon any account of any Person, Body Corporate, or Board, entrusted with the care or application of any Public Money in Ireland, and to report to the said Lord High Treasurer, or the Commissioner of His Majesty's Treasury, his opinion thereupon; and the said Remembrancer is hereby required to inquire and report accordingly.

39. Lawful for Chief Remembrancer to take Evidence vivâ voce, or by Affidavit.

And be it Enacted, That it shall be lawful for the said Chief Remembrancer in proceeding upon any of the matters hereinbefore mentioned, to examine all such parties and persons as he shall deem proper upon Oath, and to take evidence vivâ voce or by affidavit, or upon written interrogatories, to be exhibited by his Examiner or any Commissioner to be by him appointed for that purpose, and to issue process to compel the attendance and examination of parties and witnesses, and the production of books, papers or writings before him, or such Commissioner or Examiner as aforesaid, and to that end to exercise all powers vested for such purposes in the said Court.

40. Order of Chief Remembrancer to be Order of the Court, but may be reversed, varied or altered by the Barons.

And be it Enacted, That every order made by the said Chief Remembrancer in proceeding upon any of the matters aforesaid, shall be entered by his Secondary, and shall be deemed and taken to be an order of the said Court, and shall be executed as such: Provided always, That every such order may be reversed, varied or altered by the Chief Baron and the other Barons of the said Court, upon motion or petition, provided that such motion or petition be made or presented within the term ensuing the time at which the party complaining, shall have notice of the order complained of, and otherwise, that such Order shall be final and conclusive.

41. Fees for Second Remembrancer.

And be it further Enacted, That such Fees as shall be obtained and authorized by any order or orders to be for that purpose, shall be taken by the said Second Remembrancer; and it shall and may be lawful for the Lord Chief Baron of the said Court, and the Lord High Treasurer, or any *Three* or more of the Commissioners of the Treasury for the time being, and they are hereby required, by some writing under their respective hands, to ascertain for and allow to the said Second Remembrancer such annual Salary thereout as to them shall seem reasonable; and such Salary shall be paid and payable to him quarterly, (that is to say) on every *Fifth* day of *January*, *Fifth* day of *April*, *Fifth* day of *July*, and *Fifth* day of *October*, in every year; and he shall keep one or more Book or Books, and shall cause all Fees by him received to be duly and regularly entered therein, and shall submit the same to the inspection of the said Lord Chief Baron, and

and of the said Lord High Treasurer or Commissioners of the Treasury, or such Person as they shall appoint for that purpose, whenever he shall be thereto required, and shall also, within *One* Week after each of the Quarter-days aforesaid, render a true and faithful account, in writing (to be verified on oath if required), to the Lord High Treasurer or Commissioners of the Treasury for the time being, of all Fees by him received and retained in the Quarter immediately preceding the rendering of such Account; and shall also, within the same period, pay over the balance of such Account (if any) into the receipt of His Majesty's Exchequer at Dublin: Provided always, That if upon the examination of any such Account, it shall appear to the said Lord High Treasurer or Commissioners aforesaid, that any unreasonable or improper charge or deduction has been made therein, the same shall be disallowed by the Treasurer or Commissioner; and the amount of all and every sum of Money so disallowed shall, within *Ten* Days after such disallowance thereof shall be notified to the said Second Remembrancer, and be paid by him into the said receipt of His Majesty's Exchequer; and the said Treasurer or Commissioners shall cause Copies of all such Accounts to be laid before each House of Parliament at the commencement of the Session of Parliament next after the rendering thereof; and all Sums so paid into the Receipt of the Exchequer, shall be carried to the credit of the Consolidated Fund, a separate Account being kept thereof.

42. Commencement of Act.

And be it further Enacted, That this Act shall commence and take effect from the day of *One thousand Eight hundred and*

SCHEDULE to which this ACT refers.

BY the LORD LIEUTENANT GENERAL and GENERAL GOVERNOR of IRELAND.

To A. B., of &c.

WHEREAS we have been pleased to nominate and appoint you for and to be Sheriff of the County of during His Majesty's pleasure; These are therefore to require you to take the Custody and Charge of the said County, and duly to perform the duties of Sheriff thereof during His Majesty's pleasure, and whereof you are duly to answer according to law.

Dated this day of One thousand eight hundred and

By His Excellency's command,

C. D.

[When the Appointment shall be by any other or others than the Lord Lieutenant, the Form shall be altered accordingly.]

(Ireland.)

A

BILL

For facilitating the appointment of Sheriffs in Ireland, and the more effectual Audit and Passing of their Accounts, and for the more speedy return and recovery of Fines, Issues, Forfeited Recognizances, Penalties and Deodands; and to abolish certain Offices in the Court of Exchequer in Ireland, and to amend the Laws relating to Grants in Custodiam, and recovery of Debts in Ireland, and to amend an Act passed in the Second and Third Years of His Majesty's Reign, intituled, "An Act for transferring the Powers and Duties of the Commissioners of Public Accounts in Ireland to the Commissioners for auditing the Public Accounts of Great Britain."

(*Prepared and brought in by*
Mr. Serjeant O' Loghlin and Mr. Serjeant Perrin.)

Ordered, by The House of Commons, *to be Printed,*
7 *August* 1835.

24 *July* 1835.

A

B I L L

For abolishing the Excise Incorporation in Scotland, and for transferring the Funds of the said Incorporation to the Consolidated Fund, and providing for the payment of the Annuities to the Widows and Orphans of late and present Members of the Incorporation Fund.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble. Royal Charter or Letters Patent of 14th July 1748, establishing the Excise Incorporation in Scotland.

WHEREAS, for the purpose of raising a Fund by contributions out of their Salaries for payment of Annuities to their Widows and Orphans, the Officers of Excise under the management of the Commissioners of Excise in Scotland, were, by a Royal Charter or Letters Patent under the Seal appointed by the Treaty of Union to be kept and made use of in place of the Great Seal of Scotland, bearing date the fourteenth day of July, in the twenty-second year of the reign of his Majesty King GEORGE the Second, and in the year of our Lord One thousand seven hundred and Forty-eight, constituted, erected, incorporated and perpetually established and confirmed into one Body Politic and Corporate, or legal Incorporation and Society, under the title and name of "The Excise Incorporation in Scotland," and as such and by such name to have a perpetual endurance and succession; and for the ends and purposes of raising such Fund, and making such payment, it was by the said Charter or Letters Patent, among other things, ordained, directed, ordered and appointed, that the said Corporation should comprehend and be distinguished into three different classes; the first whereof to consist of General Supervisors, General Surveyors and Collectors, or such like Offices, if held under any other names at any time thereafter; the second class to consist of Supervisors, Surveyors, Examiners, Accomptants and Clerks, or such like Offices if under other names; the third class of Gaugers, Supernumeraries or Assist-

ants or such like Offices if under other names; and also that in order to establish the said Fund, each member of the Corporation should pay the sums after-mentioned according to their class, during their lives yearly, and by eight equal payments, (that is to say) those of the first class, Three Pounds Four Shillings sterling money yearly; those of the second class, Two Pounds Eight Shillings sterling money yearly; and those of the third class, One Pound Twelve Shillings like money yearly; and also certain additional contributions on promotion and on contributors marrying twice or oftener; and further, that the sums of money so to be contributed and paid, should be subject and applied to the annuities payable to the Widows and Children of the contributors, according to the classes before mentioned, and at the rates after specified, that is, that there should be paid to the Widow or Children of each contributor of the first class a yearly annuity of Sixteen Pounds sterling; of each contributor of the second class a yearly annuity of Twelve Pounds sterling, and of each contributor of the third class a yearly annuity of Eight Pounds like money, all to be paid quarterly, on the Twenty-fifth day of March, Twenty-fourth day of June, Twenty-ninth day of September and Twenty-fifth day of December; and that when a Contributor should leave a Widow and no Children, the said Annuity should be paid to her during her natural life and viduity, but upon her decease or marrying again should thenceforth cease and determine; and when he should have Children, one or more, under the age of Twelve Years, and no Widow, the said Annuity should be paid to the said Children until the youngest of them attained the age of Twelve Years complete, but thenceforth and thereafter should cease and determine; and that when the Contributor should leave both a Widow and Children, one or more, under the age of Twelve Years, the Annuity should be paid to the Widow during her life and viduity, and in case of her dying or marrying again before the youngest of the said Children attained the age of Twelve Years complete, should no longer be payable to the Widow, but should thenceforth be paid to the Children, and until the youngest of them should attain the age of Twelve Years complete, and should then cease and determine; and provision was also made in and by the said Royal Charter or Letters Patent for raising and managing the said Fund and Contributions, and paying the said Annuities, by Managers to be elected and appointed as therein was directed:

And whereas it having been found by experience that higher rates of contribution and the interest of a larger stock of capital, in proportion to the increased number of members, would be necessary for raising the same, and for extending the benefits of the said Royal Charter or Letters Patent, an Act was passed in the forty-fifth year of the reign of his Majesty King GEORGE the Third, intituled, "An

45 G. 3. c 31.

Act

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Act for confirming the Charter and enlarging the Powers of the Corporation of the Officers of Excise in Scotland," by which said Act the said Charter and Letters Patent, and all the Regulations, Ordinances and Appointments therein contained, and all the proceedings had in consequence thereof were confirmed, so far as the same were not altered by the said Act, and by the said Act the said Incorporation was directed to be continued and distinguished into three classes, (that is to say) the first class thereof to consist of General Supervisors, General Surveyors and Collectors, along with the Auditor, the Comptroller, the Cashier, the Secretary or Secretaries, the Solicitor or Solicitors, the General Accomptants and the General Examiner, and the Deputies established in the actual execution of those offices, or the persons in the actual occupation of offices of the like nature, if held under other or different names; the second class to consist of Supervisors, Surveyors, Examiners, Accountants and Clerks in the General Excise Office in Edinburgh receiving salaries directly out of the Revenue, or the Persons established in the actual occupation of offices of the like nature, if held under any other or different names; the third class to consist of Gaugers or Officers, Supernumeraries and Assistants, or the persons established in the actual occupation of offices of the like nature, if held under other or different names; and every member of the said Incorporation is by the said Act made subject and liable to and to pay the sum or rate hereinafter mentioned according to his proper class, during his life, yearly, by four equal quarterly payments, (that is to say) each member of the first class, Seven Pounds and Ten Shillings; each member of the second class, Five Pounds Twelve Shillings and Sixpence; and each member of the third class, Three Pounds Fifteen shillings, and provision is thereby also made for the payment of the difference of rates on the promotion of members from a lower to a higher class; and for the payment of certain additional rates on marriage; but an option being by the said Act given to the Contributors under the said Royal Charter or Letters Patent to accede or not to the provisions of the said Act, in order to secure upon just and equitable terms the limited advantages proposed by the said Royal Charter or Letters Patent, it is directed by the said Act that every non-acceding member should, in pursuance of a provision made and reserved to that effect in the said Royal Charter or Letters Patent, be called upon and obliged in future regularly to pay into the said Fund, towards the due and necessary support thereof, not only his ordinary annual contribution, and the rates imposed in case of any second or subsequent marriage, as directed by the aforesaid Royal Charter or Letters Patent, but also an addition to his said ordinary contributions, and along with the same at the rate of Seven Shillings and Sixpence annually, for a contribution of the third class over and above his then present rate of One

Pound Twelve Shillings and Sixpence, making together the annual rate of Two Pounds, and so in proportion for those of the two higher classes, as before distinguished respectively, and all the rates and sums of money so to be contributed, together with all that had already been contributed and accumulated under the Royal Charter or Letters Patent aforesaid, were by the said Act directed to continue and be vested in and applied by order and direction of the said Incorporation, and the Managers and Cashiers thereof appointed as therein mentioned, for behoof of the same and their successors in office, to and for the uses and purposes after-mentioned, (that is to say) in the first place for defraying the necessary expenses incurred and to be incurred in the passing of the said Act, and in establishing and executing the scheme; secondly, for the further raising of a fund and capital stock for the purposes of the scheme to the extent therein limited, subject and applicable to the payment of annuities to widows and children of contributors, according to the three several classes thereinbefore distinguished, at the rates after specified, (that is to say) that there should be paid as a yearly annuity to the widow or to the lawful children of each contributor of the first class, Thirty-two Pounds; of the second class, Twenty-four Pounds; and of the third class, Sixteen Pounds, such several Annuities to be paid by equal portions quarterly, and within One Month after each quarter-day respectively, to wit, on the fifth day of January, fifth day of April, fifth day of July and tenth day of October successively, commencing the first quarter's payment at the first of these days which should happen after the death of the contributor, and so on regularly during the natural life of the widow and her remaining unmarried, or until the youngest surviving child of such contributor should attain the age of sixteen years complete, whichever of these events should happen the latest: Provided that the widows and children of contributors under the said Royal Charter or Letters Patent not acceding to the scheme under the said recited Act, were to be paid Annuities only at the former limited rates under the said Royal Charter or Letters Patent, and to continue to children only until the youngest of such children should attain the age of twelve years, as provided by the said original Patent; and in order to render the Funds thereby established sufficient and suitable for answering the several purposes of the said Act, power was thereby given to raise a Capital Fund or Stock, proportioned to the number of contributors, according to certain rules and regulations in the said Act contained; and it was, amongst other things, further provided, that as soon and so often as the said Stock should amount to the capital sum therein described and limited in proportion to the number of contributors, the surplus which might be found above that amount upon balancing the accounts ending at the fifth day of July annually, should be set apart and applied by the

Managers

Managers of the Incorporation at the time, in such portions as they should judge best, for augmenting the Annuities to the widows and children of the contributors proportionably, such augmentation not to exceed the one-half of the ordinary Annuity payable to each Annuitant; and in case of any surplus beyond what should be judged necessary for making such augmentation within the limit aforesaid, power is given to the Managers to apply such further surplus towards paying the Annuities in the succeeding year, and in consequence to direct and allow an abatement to be made proportionably out of the ordinary rates payable by the whole contributors in the said year respectively, or with the assent of the contributors, to form such other plan for the application of such last-mentioned surplus, and to apply the same accordingly, in such manner as should appear most agreeable to the majority of the contributors and most for the benefit of all concerned; and provision is by the said Act also made for appointing Managers for conducting the affairs of the said Incorporation:

And whereas the capital sum in the said Act described and limited having been raised, and a surplus having been found, the Managers of the said Incorporation have augmented the Annuities payable to the widows and children of contributors to the extent of one-half more than the amount specified in the said Act, (that is to say) to the widows and children of contributors, acceders to the said Act, of the first class, an annuity of Forty-eight Pounds; of the second class, Thirty-six Pounds; and of the third class, Twenty-four Pounds respectively; and to the widows and children of contributors under the said Royal Charter or Letters Patent, non-acceders to the said Act of the first class, Twenty-four Pounds; of the second class, Eighteen Pounds; and of the third class, Twelve Pounds; and a further surplus beyond what was necessary for such augmentation having been found, the Managers of the said Incorporation have, with the concurrence of the majority of the contributors, applied the same so as to lengthen the period during which the said Annuities are to be payable to the children of the said contributors, (that is to say) until the youngest of such children, whether of acceding or non-acceding contributors, shall have attained the age of eighteen years:

And whereas the Managers and Cashier of the said Incorporation have, under the authority of the said recited Act, invested the funds of the said Incorporation in the purchase, in the name of the Cashier, of certain shares amounting in the whole to the sum of Sixteen Thousand Five Hundred Pounds, of the capital or joint stock of the Bank of England, and in the purchase, in the name of the said Cashier, of certain shares, amounting in the whole to the sum

of Fourteen Thousand Pounds of the capital or joint stock of the Royal Bank of Scotland, and have also, under the powers of the said Act, lent out on heritable securities taken in the name of the Cashier of the said Incorporation and his successors in office certain sums of money, amounting in the whole to the sum of Twenty-three Thousand Five Hundred Pounds, of and to which said several sums the said Managers and Cashiers now stand possessed and entitled for and on behalf of the said Incorporation :

And whereas the said Incorporation now consists, more or less, of one contributor of the first class, seven contributors of the second class, and seventeen contributors of the third class, being contributors under the said Royal Charter or Letters Patent, but who refused or neglected to accede as contributors under the said recited Act, and of thirty contributors under the said recited Act of the first class, one hundred and nineteen such contributors under the second class, and five hundred and fifty-five such contributors of the third class:

And whereas the whole Revenue of Excise of the United Kingdom, being now placed under the management of one General Board of Commissioners, all Officers in the service of the Excise are Officers for the whole of the United Kingdom, and not for any one part thereof, and are removable and removed from any one part of the United Kingdom to any other part thereof, according to the exigencies of the Public Service, and by the abolition of the chief Office of Excise at Edinburgh the principal Officers and Accountants who were then stationed, and were the principal managers of the affairs of the said Incorporation, have either ceased to be Officers of the Revenue by the abolition of their Offices, or have been removed to the chief Office of Excise in London, and inasmuch as the demands of the public service will not allow of Collectors and other Officers being called from their public duties to meet together and act as Managers, it has been found impossible to continue the purposes of the said Incorporation and the management of the affairs thereof; and it has become therefore expedient to abolish the same, and to make provision for securing the rights and interests of the existing contributors, and in order to effect the same, that the said shares in the Stock of the Bank of England and Royal Bank of Scotland respectively should be sold, and the monies arising from such sales, together with all monies which before such sales shall be effected, shall have been received and paid to the account of the said Incorporation, be carried to the account of the consolidated Duties of Excise, and be paid into the receipt of the Exchequer under that head, and the several sums amounting to the sum of Twenty-three Thousand Five Hundred Pounds, together with the interest arising therefrom, as soon as the Bonds given for

payment

payment of the same are discharged, and such interest as shall in the meantime be payable should be carried to account, and paid in manner before mentioned; and that no Person not having been a contributor before the Fifth day of January One thousand eight hundred and Thirty-five shall be admitted, or deemed to have been admitted, a contributor, but that the present contributors having become contributors before the said Fifth day of January One thousand eight hundred and Thirty-five, shall continue the payment of their respective Rates, which shall in like manner be paid over, under the management of the Commissioners of Excise, to the Consolidated Duties of Excise; and that all Annuities to the Widows and Children of contributors now payable, or which shall hereafter become payable, according to the provisions of the said recited Act, shall be paid out of the Consolidated Duties of Excise, and be placed to the account of Incidents of that Department;

May it therefore please Your MAJESTY,

That it may be Enacted, And be it Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT so much of the said recited Act as directs the election and appointment of Managers, and of a Cashier and Clerk of the said Incorporation, and as directs the raising of a Capital Stock, and the application of any surplus thereof, as shall be repugnant to this Act, or any of the provisions thereof, shall be and the same is hereby Repealed; and the said Incorporation shall from henceforth cease and determine, and no new or additional members shall be admitted into the same; nor shall any Person be deemed a member thereof, or an existing contributor within the meaning of this Act, who shall not have been admitted and become a contributor before the *Fifth* day of *January One thousand eight hundred and Thirty-five.*

1. So much of the Act of 45 G. 3. c. 81. as directs the appointment of Managers, and of a Clerk and Cashier, and the raising a Fund, repealed, and the Incorporation to cease and determine.

And be it further Enacted, That on the *passing of this Act,* all the Funds and Monies of the said Incorporation shall, for the purposes of this Act, be vested in the Commissioners of Excise; and the said Shares in the Capital or Joint Stock of the Bank of England, and of the Royal Bank of Scotland, shall forthwith be sold and disposed of; and the said sums so lent on heritable Securities shall, as soon as the same can be, in conformity with the conditions of the respective Securities on which the same were lent, be called in and recovered; and all Monies arising from such Sales, and the amount of such Monies when called in and repaid, and all Interest thereon, together with all other Monies which shall in any manner be vested in the said Incorporation, or be vested or remain in the hands, custody

2. Funds of the Incorporation vested in the Commissioners of Excise for the purposes of the Act, and to be realized and paid over to the Consolidated Fund.

custody or possession of any Body Politic or Corporate, Company or Person or Persons, in trust, for or for the use or behoof of the said Incorporation, shall be paid over to the Commissioners of Excise; and for the purpose of realizing and paying over such Monies, it shall be lawful for the Commissioners of Excise, and they are hereby authorized and required to nominate and appoint one or more fit Person or Persons to sell and dispose of the said Shares, and to obtain payment of the Monies so lent, and to collect and call in all other property or other effects heritable or moveable belonging to the said Incorporation, and to pay over all Monies collected or produced by the sale of such Shares, property and effects as aforesaid, to the Commissioners of Excise; and in case of any Person so appointed dying or becoming incapable of acting, or of his appointment being recalled by the said Commissioners of Excise, the said Commissioners shall appoint some other Person in the room and place of the Person so dying or becoming incapable, or whose appointment has been recalled as aforesaid; and every such appointment as aforesaid, to be made by the Commissioners of Excise, shall be in the form set out in the Schedule to this Act.

3. Persons appointed to give Security and to have such recompense as shall be directed by the Lords of Treasury.

And be it further Enacted, That every Person so to be appointed as aforesaid, shall, if required, give security in such sum or sums of money as shall be directed by the Commissioners of Excise for duly recovering, paying over and accounting for all the property of the said Incorporation, and otherwise discharging the duties of his office, such security to be taken in the name of His Majesty; and it shall be lawful for the Commissioners of Excise to pay and allow to the Person or Persons so appointed such remuneration and recompence for his or their labour and trouble in the matter as shall be authorized and directed by the Lords Commissioners of His Majesty's Treasury.

4. Persons appointed to collect in the Property of the Incorporation, to have full power to do so, and to give valid Receipts, and to raise and carry on Actions.

And be it further Enacted, That the Person or Persons so to be appointed as aforesaid shall have full power and authority to sell and dispose of the said Shares, and to obtain payment of the Monies so lent, and to collect and call in all other property or other effects, heritable or moveable, belonging to the said Incorporation; and the receipt or discharge of any Person or Persons so appointed as aforesaid shall be a full and valid receipt and discharge to all and every Person and Persons, Company, Body Politic and Corporate, paying or delivering over any money or other property or effects in their hands, custody or possession, or due or owing by them, or paid over, as the purchase money of any such Shares or other property or effects of the said Incorporation; and the Person or Persons so appointed shall have full power and authority to raise, insist in and carry on, in his or their name or names, any action, suit or proceedings

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ings at law, for making good the purposes of such his or their appointment, and collecting, calling in and realizing the whole of the property and effects, heritable and moveable, of the said Incorporation; and no action, suit or proceeding raised, insisted in or carrying on by any such Person shall abate, cease or determine by the death or removal of any such Person, but the same shall continue and be insisted in and carried on by the Person who shall be nominated and appointed in the room or place of the Person so dying or removed.

5. Commissioners to pay over the Monies in the same manner as duties of Excise.

And be it further Enacted, That the Commissioners of Excise shall pay, or cause to be paid, all such monies as shall be received by them on account of the said Incorporation into the hands of the Receiver General of Excise, to be paid into the Bank of England, and into the receipt of the Exchequer, on account of Consolidated Duties of Excise, in the same manner as all other monies coming into the hands of the said Commissioners on account of the Duties of Excise are by law required to be paid over.

6. Books, Accounts and Papers to be delivered to the Commissioners of Excise.

And be it further Enacted, That all Books, Accounts, Documents and Papers belonging to or in the hands, custody or possession of the Managers or of the Cashiers or Clerk of the said Incorporation, and all Books, Accounts, Documents or Papers relating to the affairs of the said Incorporation in the custody or possession of any Company or other Person or Persons in trust for or on the behoof of the said Managers, Clerk or Cashier shall be delivered over to the Commissioners of Excise, or to such other Person or Persons as they shall appoint to receive and keep the same, and shall from thenceforth become part of the Public Documents of the Office of Excise.

7. Present Contributors to continue their Contributions.

And be it further Enacted, That all the persons contributors to the said Incorporation who shall have been admitted contributors before the said *Fifth* day of *January One thousand eight hundred and Thirty-five*, whether contributors under the said Royal Charter or Letters Patent being non-acceders to the said recited Act or contributors acceders under the said recited Act, shall continue to pay their several rates and contributions under the said recited Act, according to the class in which they may be, and according as they may be acceders or non-acceders respectively; and shall also in case of promotion or marriage pay the increased or equalizing rates as provided in the said recited Act.

8. Amount of Contributions to be deducted from the Salaries of Contributors.

And be it further Enacted, That the Receiver General of Excise and the respective Collectors of each Collection throughout the United Kingdom shall deduct from the Salary of each Officer, being a contributor, who may be stationed within the limits of the chief

Office of Excise, or within the Collection of any such Collector respectively, the amount of the rates or contribution payable by such contributors respectively, according to the provisions of the said recited Act; and the said Receiver General and Collectors respectively shall enter all monies received by him or them on account of such rates or contributions in his and their accounts as money received on account of contributions to the Scotch Excise Incorporation, and all such monies shall be remitted and paid into the Exchequer to the account of the Consolidated Duties of Excise, in the same manner as other monies received on account of the Duties of Excise are by law directed to be remitted and paid.

9. Contributors desirous of withdrawing from further Contribution may do so on giving Notice.

Provided always, and be it further Enacted, That it shall be lawful for any Officer of Excise who may be a Contributor, not being married, or if a widower, not having any Child under the age of *Eighteen* Years, and who may be desirous of ceasing to be a contributor, to give notice in writing to the Commissioners of Excise of such his desire to cease contributing; and thereupon the said Commissioners shall make an order that the name of such Officer shall be struck out of the list of contributors; and from thenceforth such Officer shall cease to be a contributor, and shall not be liable to have any further deduction made from his Salary on account of any such rates or contribution, except any arrear thereof or any additional or equalizing rate or rates on account of promotion or marriage, shall be due and owing at the time of giving such notice, which in such case it shall be lawful to deduct.

10. Such Notice to be given Six Weeks at least before the Salary becomes due.

Provided always, That every such notice shall be given *Six* Weeks at least before the next quarter-day or sittings when such contributor's salary shall be becoming due, and if not so given, the deduction at the ensuing quarter-day or sittings shall be made.

11. Annuities now and hereafter to become due to be paid at the augmented Rates and for the lengthened period, and to be a charge on the Consolidated Fund.

And be it further Enacted, That all Annuities which at the *passing of this Act* shall be payable to the widows or children of the deceased contributors, and all such Annuities as shall hereafter become payable according to the provisions of the said recited Act to the widows or children of the Persons who are continued contributors by this Act, shall continue and be payable at the augmented rate of payment fixed by the Managers of the said Incorporation, and for the lengthened period in the case of children, which was appointed as hereinbefore recited, in disposing of the surplus beyond the limited amount of Capital Stock, and all such Annuities shall be a charge on the consolidated Duties of Excise, and shall be placed to the account of Incidents of that Department.

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12. Annuities to be paid by the Receiver-General or Collectors of Excise where the Widows and Children are resident.

And be it further Enacted, That it shall be lawful for the Receiver General of Excise, and for the Collector of the several Collections of Excise throughout the United Kingdom, and they are hereby authorized and required, out of any monies in their hands, to pay under the directions of the said recited Act, and of the Commissioners of Excise at each quarter-day, or at the sittings after each quarter-day, the amount of all such Annuities as shall be due and payable to the widows or children of any deceased contributors that may be resident within the limits of the chief Office of Excise, or within the Collection of any such Collector respectively; and the said Receiver General and every such Collector shall charge all such payments to the account of Incidents of the Department.

13. Commissioners of Excise to appoint Tutors and Guardians to Children not having any, and to put the recited Act in force, and make such further Regulations as may seem necessary for carrying this Act into effect.

And be it further Enacted, That it shall be lawful for the Commissioners of Excise to name and appoint such person or persons as they shall deem fit as the Tutors, Curators or Guardians of such children of contributors as shall not have any Tutors, Curators and Guardians, and also to execute and put in force all such provisions not hereby repeated of the said recited Act, as might have been executed and put in force by the managers of the said Incorporation if this Act had not been passed, and also to make such further rules, orders and regulations as to them shall seem necessary, expedient or required for carrying this Act, and the purposes thereof into effect.

14. So much of the recited Act as is not hereby repealed, to remain in force.

And be it further Enacted, That so much of the said recited Act as is not repealed or provided for by this Act, shall remain in force and shall be put in execution by the Commissioners of Excise, until the death of the last of the said contributors, and until after the last payment of any Annuity to which any person shall be entitled under the said Act and this Act, and shall then cease and determine.

15. Act may be altered in the present Session.

And be it further Enacted, That this Act may be repealed, altered, varied or amended by any Act to be made in this present Session of Parliament.

SCHEDULE to which this Act refers.

WE, being Three of the Commissioners of Excise, do hereby nominate and appoint

with full power to collect and call in all Sums of Money and other Property or other Effects, heritable and moveable, which belonged to the Excise Incorporation of Scotland, and to grant Receipts and Discharges for the same; and also to raise, insist in and carry on any action, suit or proceeding for the recovery of any Sums of Money, Debts, heritable and moveable, and other property belonging to the said Incorporation, and to sell and convert all such property into money, and pay over all such Monies to us, according to the provisions of an Act of Parliament passed in the year of the reign of His Majesty King WILLIAM the Fourth, intituled, "An Act" [here insert the title of this Act.]

Signed.

6 WILL. IV.—Sess. 1835.

A

B I L L

For abolishing the Excise Incorporation in Scotland, and for transferring the Funds of the said Incorporation to the Consolidated Fund, and providing for the payment of the Annuities to the Widows and Orphans of late and present Members of the Incorporation Fund.

(Prepared and brought in by Mr. Baring and Mr. Chancellor of the Exchequer.

Ordered, by The House of Commons, *to be Printed,*
24 *July* 1835.

26 *February* 1835.

A

B I L L

To explain an Act of the First Year of His present Majesty, for the more effectual Administration of Justice in England and Wales, so far as relates to the Execution of Criminals in the County of Chester.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble:

11 G. 4. and 1 W. 4. c. 70. § 14. and 19.

WHEREAS by an Act passed in the first year of the reign of His present Majesty, intituled, "An Act for the more effectual Administration of Justice in England and Wales," the Jurisdiction, Power and Authority of His Majesty's Court of Session of the County Palatine of Chester, and of the Judges thereof, was abolished; and it was enacted, that the Assizes should, for the Trial and Disposal of all matters Criminal and Civil in the said County of Chester, be held under and by virtue of Commissions of Assize, Oyer and Terminer, and other Writs and Commissions to be issued in like manner and form as hath been usual for the Counties in England, and that all Laws and Statutes then in force relating to the execution of such Commissions when issued for England should extend and be applied to the execution of the Commissions issued for the County of Chester:

And whereas, since the passing of the said Act, doubts have been entertained whether the sentence of Death pronounced upon Criminals for Offences committed within the County of Chester ought by law to be executed by the Sheriff of the County of Chester, by the Sheriffs of the County of the City of Chester, or by the Constable of the Castle of Chester for the time being: And whereas the Constable of the Castle of Chester for the time being has the custody of all Persons committed and convicted for Offences committed within the said County of Chester: And whereas it is expedient to remove such doubts, and to

impose upon the Person having the custody of the Criminals for Offences committed within the said County of Chester the duty of executing and carrying into effect the Judgment pronounced upon such Criminals respectively; **Be it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *passing of this Act* the Constable of the Castle of Chester for the time being shall execute the Sentence and Judgment of Death upon the Criminals condemned to die for Offences committed within the County of Chester, in the same manner and form as the Sentence and Judgment of Death pronounced upon Criminals condemned to die in other Counties in England and Wales are now executed by the Sheriffs of such Counties respectively.

The Constable of Chester Castle to execute the County Criminals.

5 WILL. IV.—Sess. 1835.

A

B I L L

To explain an Act of the First Year of His present Majesty, for the more effectual Administration of Justice in England and Wales, so far as relates to the Execution of Criminals in the County of Chester.

(Prepared and brought in by Mr. Jervis and Lord Robert Grosvenor.)

Ordered, by The House of Commons, to be Printed, 26 February 1835.

4 *March* 1835.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To explain an Act of the First Year of His present Majesty, for the more effectual Administration of Justice in *England* and *Wales*, so far as relates to the Execution of Criminals in the County of *Chester*.

WHEREAS by an Act passed in the first year of His present Majesty, intituled, "An Act for the more effectual Administration of Justice in *England* and *Wales*," the Jurisdiction, Power and Authority of His Majesty's Court of Session of the County Palatine of *Chester*, and of the Judges thereof, was abolished; and it was, among other things, enacted, that the Assizes should be held, for the Trial and Despatch of all matters Criminal and Civil, within the County of *Chester*, under and by virtue of Commissions of Assize, Oyer and Terminer, Gaol Delivery, and other Writs and Commissions to be issued in like manner and form as had been usual for the Counties in *England*, and that all Laws and Statutes then in force relating to the execution of such Commissions when issued for Counties in *England* should extend and be applied to the execution of the Commissions issued for the County of *Chester*, under the authority of that Act; and it was provided and enacted, that nothing in that Act contained should be construed to abolish or affect the obligations and duties or the jurisdiction or rights then lawfully imposed upon, performed or claimed and exercised by the Mayor and Citizens of *Chester* in the Courts of the County of the City of *Chester* or otherwise, save and except that such Writs of Error or false judgment as might then by any charter or usage of the said Corporation be brought upon the Judgments of the said Courts, or any of them, before any of the Courts abolished by that Act, should thereafter be issued, as in other cases, from Inferior Courts, and be returnable into His Majesty's Court of King's Bench:

Preamble:

1 W. 4. c. 70. § 14. and 19.

§ 15.

And whereas before the passing of the said Act, the Sheriffs of the County of the City of *Chester* were by law liable, and were used and accustomed to execute all Criminals convicted and condemned to death, and ordered for Execution for offences committed within the County Palatine of *Chester:*

And whereas since the passing of the said Act the Sheriffs of the County of the City of *Chester* have executed Criminals convicted for offences committed within the County of *Chester*, and sentenced to Death by virtue of Commissions issued under the authority of the said Act; but doubts are entertained whether the sentence of Death pronounced on Criminals for offences committed within the County of *Chester* ought to be executed by the Sheriff of the County, or by the Sheriffs of the County of the City of *Chester:*

FOR the removal therefore of such doubts, and for better effecting the intention of the said Act; **Be it Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the passing of this Act, the Sheriffs of the County of the City of *Chester* for the time being shall execute the sentence of Death upon all Criminals condemned to die for offences committed within the County of *Chester*; and the Judges, or any one of them, named in the Commission of Oyer and Terminer and Gaol Delivery issued, or from time to time to be issued, for the County of *Chester*, shall have full power and authority to make such orders on the Constable of the Castle of *Chester* for delivering such Criminals to the Sheriffs of the County of the City of *Chester*, and on the said Sheriffs for the execution of such Criminals by the said Sheriffs, as such Judges or Judge shall think fit; all which orders the said Constable and Sheriffs shall be and they are hereby required to obey, according to the exigency thereof.

The Sheriffs of the County of the City of Chester to execute County Criminals.

Provided always, and be it Enacted, That if at any time it shall seem fit to any Judge before whom any Criminal shall be convicted and sentenced to die for any offence committed within the County of *Chester*, that such Criminal should be executed at any place not within the jurisdiction of the Sheriffs of the City of *Chester*, but within the County of *Chester*, it shall be lawful for such Judge to make any order which he may think fit upon the Sheriff of the County of *Chester* to execute such Criminal at such place, and also upon the Constable of the Castle of *Chester* to deliver such Criminal to the Sheriff of the County, and to do and perform, and suffer to be done and performed, all such matters and things as may be necessary for carrying into effect and executing such Sentence; and the said Sheriff and Constable shall be liable and are hereby required to obey all such orders.

Judge empowered to issue order for Sheriff to execute Criminals in places not within his jurisdiction.

5 WILL. IV.—Sess. 1835.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To explain an Act of the First Year of His present Majesty, for the more effectual Administration of Justice in *England* and *Wales*, so far as relates to the Execution of Criminals in the County of *Chester*.

(Prepared and brought in by
Mr. Jervis and Lord Robert Grosvenor.)

Ordered, by The House of Commons, *to be Printed,*
4 *March* 1835.

4 *March* 1835.

A

B I L L

FOR

The Amendment of the Laws with respect to Executors and Administrators.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

BE it Enacted by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; (that is to say) the word "Will" shall extend to a Testament and to a Codicil; and the words "Personal Estate" shall extend to leasehold estates, monies, choses in action, goods, chattels, rights, credits, and all other personal property whatsoever, and any share or interest therein; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

I. Meaning of the Words in the Act.

"Will."

"Personal Estate."

"Number."

"Gender."

And be it further Enacted, That the assent of an Executor or Administrator shall not vest in a Legatee the legal title to any Personal Estate other than such chattels as may pass by delivery, but that such title shall remain vested in the Executor or Administrator until he shall have executed an assignment or release in writing of such Personal Estate.

2. Assent of Executor or Administrator not to pass the legal title to the Legatee.

And be it further Enacted, That every Court of Equity shall have jurisdiction to make void any assignment or release of Personal Estate which may have been executed by an Executor or Administrator

3. Equity may set aside Assignments and delivery of Chattels made by Executors

or Administrators, except as against Purchasers for valuable consideration.

trator to or for the benefit of the Legatee thereof, or to decree a re-assignment to be made to any Person of such Personal Estate, and also to decree a restoration or delivery to be made to any Person of any chattel which may have been delivered to or for the benefit of a Legatee: Provided always, That the jurisdiction hereby given shall not extend to prejudice or affect the right of any bonâ fide Purchaser for valuable consideration.

4.
Executor of Executor, who has not proved to be the personal Representative.

And be it further Enacted, That notwithstanding that an Executor or the survivor of two or more Executors, may have died without obtaining Probate of the Will of the Testator, the Executor of such Executor or of such surviving Executor, shall be the personal Representative of such Testator, in preference to any Person to whom Letters of Administration may be granted, and shall be entitled to prove the Will of such Testator.

5.
Executor may renounce the Executorship of any Person of whom his Testator shall have been Executor.

And be it further Enacted, That any Executor of an Executor, whether he shall or shall not have proved the Will of the Testator, by whom he shall have been appointed Executor, may at any time before he shall have intermeddled with the assets of, or otherwise acted as the personal Representative of any Person of whom such Testator was the Executor, renounce the Executorship of the Will of such Person in like manner as he might have renounced the Probate of the Will of the Testator by whom he shall be appointed Executor before he had proved the same or acted as his Executor, and after such renunciation any Person to whom Letters of Administration of the Personal Estate of such Person may be granted, shall be his legal personal Representative, as if there had been no such Executor.

6.
Letters of Administration granted where there is an Executor, but before Probate, shall be voidable only.

And be it further Enacted, That where, in consequence of the Will not having been discovered, or from any other cause, Letters of Administration shall have been granted of the Personal Estate of any Testator at a time when there may be an Executor of his Will, such Letters of Administration shall be voidable only, notwithstanding such Executor may not have renounced Probate of the Will of such Testator, or may have acted in the execution thereof, or may afterwards prove the same, and such Letters of Administration shall not become void until the same shall be revoked, or until Probate of the Will of such Testator shall be granted to the Executor.

7.
Acts done under voidable Letters of Administration shall be valid; but the Next

And be it further Enacted, That every act or deed done or executed by an Administrator, under or by virtue of Letters of Administration, which shall be voidable, shall be valid, notwithstanding such Letters of Administration shall afterwards be revoked or become void;

void: Provided nevertheless, That every Person to whom as Next of Kin, or otherwise, any Personal Estate of the Testator, or money produced therefrom, shall be delivered, assigned or released, by such Administrator, or who shall become entitled to any such Personal Estate or Money, by from or under such Administrator, other than a bonâ fide purchaser for valuable consideration, shall be liable in Equity to account for and deliver, assign or transfer the same to the Legatee or other Person entitled thereto under the Will of such Testator.

of Kin, and other Persons receiving property, except Purchasers, shall be liable to account in Equity.

8.

Deeds executed by an Executor while there shall be a voidable Administration, shall be void.

And be it further Enacted, That every Deed or other Assurance executed by an Executor by virtue of his office, after voidable Letters of Administration of the Personal Estate of his Testator shall have been granted, and before the same shall have been revoked or Probate of the Will shall have been granted to such Executor, shall be void.

9.

Deeds executed by an Executor who dies without proving, shall be void.

And be it further Enacted, That every Deed or other Assurance executed by an Executor, by virtue of his office, shall be void in case he shall die without having proved the Will, by which he shall be appointed Executor.

10.

Executor or Administrator may be discharged from his Office.

And be it further Enacted, That where any Person shall be desirous of being discharged from his office of Executor or Administrator, it shall be lawful for any Court of Equity, by a Decree to be made in a suit instituted for that purpose, to discharge such Person from such office in like manner as any person may be discharged by such Court from the office of a Trustee; and after such Decree such Person shall cease to be such Executor or Administrator; and it shall be lawful for the Court who would be entitled to grant Probate of the Will or Letters of Administration of the Personal Estate of the Testator or Intestate of whose Will or Personal Estate the Person so discharged shall have been Executor or Administrator, to grant Letters of Administration of the Personal Estate of such Testator or Intestate, as if the Executor so discharged had died intestate, or the Administrator so discharged had died.

11.

Act not to extend to Wills, Administrations, Executors or Administrators of Persons who die before 1836.

And be it further Enacted, That this Act shall not extend to the Will or Letters of Administration, or the Personal Estate, or the Executors or Administrators of any Person who shall die before the *First* day of *January One thousand eight hundred and Thirty-six.*

5 Will. IV.—Sess. 1835.

A

B I L L

FOR

The Amendment of the Laws with respect to Executors and Administrators.

(*Prepared and brought in by Sir John Campbell and Dr. Lushington.*)

Ordered, by The House of Commons, *to be Printed*, 4 *March* 1835.

4/2/7

18 *March* 1835.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For the Amendment of the Laws with respect to Executors and Administrators.

[N. B.—*The Clause marked* (A.) *was added by the Committee.*]

BE it Enacted by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; (that is to say) the word "Will" shall extend to a Testament and to a Codicil; and the words "Personal Estate" shall extend to leasehold estates, monies, choses in action, goods, chattels, rights, credits, and all other personal property whatsoever, and any share or interest therein; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

1. Meaning of the Words in the Act.

"Will."

"Personal Estate."

"Number."

"Gender."

And be it further Enacted, That the assent of an Executor or Administrator shall not vest in a Legatee the legal title to any Personal Estate, other than such chattels as may pass by delivery, but that such title shall remain vested in the Executor or Administrator, until he shall have executed an assignment or release in writing of such Personal Estate.

2. Assent of Executor or Administrator not to pass the legal title to the Legatee.

3.
Executor may renounce the Executorship of any Person of whom his Testator shall have been Executor.

And be it further Enacted, That any Executor of an Executor, whether he shall or shall not have proved the Will of the Testator, by whom he shall have been appointed Executor, may at any time before he shall have intermeddled with the assets of, or otherwise acted as the personal Representative of, any Person of whom such Testator was the Executor, renounce the Executorship of the Will of such Person, in like manner as he might have renounced the Probate of the Will of the Testator by whom he shall be appointed Executor before he had proved the same or acted as his Executor; and after such renunciation any Person to whom Letters of Administration of the Personal Estate of such Person may be granted, shall be his legal personal Representative, as if there had been no such Executor.

4.
Letters of Administration granted where there is an Executor, but before Probate, shall be voidable only.

And be it further Enacted, That where, in consequence of the Will not having been discovered, or from any other cause, Letters of Administration shall have been granted of the Personal Estate of any Testator at a time when there may be an Executor of his Will, such Letters of Administration shall be voidable only, notwithstanding such Executor may not have renounced Probate of the Will of such Testator, or may have acted in the execution thereof, or may afterwards prove the same; and such Letters of Administration shall not become void, until the same shall be revoked, or until Probate of the Will of such Testator shall be granted to the Executor.

5.
Acts done under voidable Letters of Administration shall be valid; but the Next of Kin, and other Persons receiving property, except Purchasers, shall be liable to account in Equity.

And be it further Enacted, That every act or deed done or executed by an Administrator, under or by virtue of Letters of Administration, which shall be voidable, shall be valid, notwithstanding such Letters of Administration shall afterwards be revoked or become void: Provided nevertheless, That every Person to whom as Next of Kin, or otherwise, any Personal Estate of the Testator, or money produced therefrom, shall be delivered, assigned or released, by such Administrator, or who shall become entitled to any such Personal Estate or Money, by from or under such Administrator, other than a *bonâ fide* purchaser for valuable consideration, shall be liable in Equity to account for, and deliver, assign, or transfer the same to the Legatee or other Person entitled thereto under the Will of such Testator.

6.
Deeds executed by an Executor before proving, shall be void.

And be it further Enacted, That every Deed or other Assurance executed by an Executor, by virtue of his office, before he shall have proved the Will, by which he shall be appointed Executor, shall be void.

And

7.
Executor or Administrator may be discharged from his Office.

And be it further Enacted, That where any Person shall be desirous of being discharged from his office of Executor or Administrator, it shall be lawful for any Court of Equity, by a Decree to be made in a suit instituted for that purpose, to discharge such Person from such office in like manner as any person may be discharged by such Court from the office of a Trustee; and after such Decree such Person shall cease to be such Executor or Administrator; and it shall be lawful for the Court entitled to grant Probate of the Will or Letters of Administration of the Personal Estate of the Testator or Intestate, of whose Will or Personal Estate the Person so discharged shall have been Executor or Administrator, to grant Letters of Administration of the Personal Estate of such Testator or Intestate, as if the Executor so discharged had died intestate, or the Administrator so discharged had died.

8.
Act not to extend to Wills, Administrations, Executors or Administrators of Persons who die before 1836.

And be it further Enacted, That this Act shall not extend to the Will or Letters of Administration, or the Personal Estate, or the Executors or Administrators of any Person who shall die before the First day of January One thousand eight hundred and Thirty-six.

Clause (A.) Act not to extend to Scotland.

And be it further Enacted, That this Act shall not extend to *Scotland*.

5 WILL. IV.—Sess. 1835.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For the Amendment of the Laws with respect to Executors and Administrators.

(*Prepared and brought in by Sir John Campbell and Dr. Lushington.*)

Ordered, by The House of Commons, *to be Printed*, 18 *March* 1835.

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13 *August* 1835.

A

B I L L

To repeal an Act passed in the Third and Fourth Years of His present Majesty King WILLIAM the Fourth, for regulating the Labour of Children and Young Persons in the Mills and Factories of the United Kingdom, and to substitute other Provisions in lieu thereof.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS by an Act passed in the fourth year of the reign of His present MAJESTY, intituled, "An Act to regulate the Labour of Children and Young Persons in the Mills and Factories of the United Kingdom," it was deemed necessary that the hours of Labour of Children and young Persons employed in Mills and Factories should be regulated: Preamble.

And whereas many of the Provisions of such Act have been found to be injurious to the welfare of such Children and young Persons, harassing and vexatious to the Occupiers of Mills and Factories, and ineffectual in securing the objects contemplated by the Act; it is therefore expedient to repeal the same, and to substitute other Provisions in lieu thereof;

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *passing of this Act*, and until the *First* day of *January One thousand eight hundred and Thirty-six*, no Person under *Twenty-one* years of age shall be allowed to work more than *Twelve* Hours in any one day, nor more than *Eight* Hours on a Saturday, except as hereinafter provided, in or about any Cotton, Woollen

1. Persons under 21 not to work more than 12 Hours a day.

Woollen, Worsted, Hemp, Flax, Tow, Linen or Silk Factory or Mill, wherein Steam or Water, or any other mechanical power, is or shall be used to propel or work the machinery in such Mill or Factory, either in scutching, carding, roving, spinning, piecing, twisting, winding, throwing, doubling, netting, making thread, dressing or weaving of cotton, wool, worsted, hemp, flax, tow or silk, either separately or mixed, in any such Mill or Factory, situate in any part of the United Kingdom of Great Britain and Ireland: Provided always, That nothing in this Act shall apply or extend to the working of any steam or other engine, water-wheel or other power in or belonging to any mill or building or machinery when used in that part of the process or work commonly called fulling, roughing or boiling of woollens, nor to any Apprentices or other persons employed therein, nor to the labour of young Persons above the age of *Thirteen* years, when employed in packing goods in any warehouse or place attached to any Mill, and not used for any manufacturing process.

2.
Further gradual Reduction in the time of working from 1st January 1836, to 1st January 1839.

And be it further Enacted, That from and after the *First* day of *January One thousand eight hundred and Thirty-six*, the hours of labour of such Persons under *Twenty-one* years of age, employed in Mills and Factories in such description of works as aforesaid, shall be further limited and abridged, at the several periods, in the manner following; (that is to say) from and after the above *First* day of *January One thousand eight hundred and Thirty-six* no such Person shall be allowed to work more than *Eleven and a half* Hours in any one day, nor more than *Eight* Hours on a Saturday; from and after the *First* day of *January One thousand eight hundred and Thirty-seven* no such Person shall be allowed to work more than *Eleven* Hours in any one day, nor more than *Eight* Hours on a Saturday; from and after the *First* day of *January One thousand eight hundred and Thirty-eight* no such Person shall be allowed to work more than *Ten and a half* Hours in any one day, nor more than *Eight* Hours on a Saturday; and from and after the *First* day of *January One thousand eight hundred and Thirty-nine* no such Person shall be allowed to work more than *Ten* Hours in any one day, nor more than *Eight* Hours on a Saturday, the above periods and duration of labour being exclusive of the time allowed for meals and refreshment, as hereinafter provided.

3.
Machinery in Mills where Children are employed not to be worked more than 12 Hours a Day.

AND for more effectually securing the limitation of the above hours of labour for the benefit of such Children and young Persons; BE it further Enacted, That from and after the *passing of this Act*, and until the *First* day of *January One thousand eight hundred and Thirty-six*, no steam or water or any other mechanical power shall be used more than *Twelve* Hours in any one day, nor more than *Eight* Hours on a Saturday, or during the periods fixed for meals or refreshment, as hereinafter provided, to propel or work the machinery used in any such Cotton,

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Cotton, Woollen, Worsted, Hemp, Flax, Tow, Linen or Silk Mill or Factory in which Children or young Persons under the age of *Twenty-one* years are employed, for the purpose of scutching, carding, roving, spinning, twisting, winding, reeling, doubling, netting, making thread, dressing or weaving of cotton, wool, worsted, hemp, flax, tow or silk, either separately or mixed, in any such Mill or Factory situate in any part of the United Kingdom of Great Britain and Ireland.

4. Hours of working the Machinery to be the same as those fixed for the Labour of the Children.

And be it further Enacted, That from and after the *passing of this Act* the use of the steam or water, or other mechanical power, for the purposes aforesaid, shall be regulated and determined by the limitation of the hours of labour of such Children and young Persons under *Twenty-one* years of age, as hereinbefore provided; (that is to say) such steam, water or other mechanical power shall not be employed more than *Eleven and a half* Hours in any one day, and *Eight* Hours on a Saturday, from and after the *First* day of *January One thousand eight hundred and Thirty-six*; nor more than *Eleven* Hours in any one day, and *Eight* Hours on a Saturday, from and after the *First* day of *January One thousand eight hundred and Thirty-seven*; nor more than *Ten and a half* Hours in any one day, and *Eight* Hours on a Saturday, from and after the *First* day of *January One thousand eight hundred and Thirty-eight*; nor more than *Ten* Hours in any one day, and *Eight* Hours on a Saturday, from and after the *First* day of *January One thousand eight hundred and Thirty-nine.*

5. Loss of time from the want or excess of Water provided for.

And be it further Enacted, That if at any time in any such Mill or Factory in or to which the propelling power is water only, any stoppage, impediment or interruption shall occur in the working of any water-wheel in consequence of the want of a due supply of, or of an excess of water by floods, or by reason of its being impounded in higher reservoirs, then and in every such case it shall be lawful for any Inspector hereinafter appointed, upon application made to him by the occupier or occupiers of a Mill or Factory so situated, to grant permission, in writing, to such occupier or occupiers, to work his or their machinery at such periods as he or they shall be enabled so to do by having the command of a sufficient quantity of water, under such regulations and subject to such restrictions as the said Inspector may deem necessary and proper.

6. Time for Meals.

And be it further Enacted, That for the purpose of meals and refreshment there shall be allowed to every such Child or young Person so employed in any such Mill or Factory as aforesaid, *One Hour and a half*, at such times of the day as the Inspectors hereinafter appointed shall deem proper.

7. Employment of Children under nine Years prohibited.

And be it further Enacted, That from and after the *passing of this Act*, it shall not be lawful for any Person whatsoever to employ in any Factory

Factory or Mill as aforesaid, any Child who shall not have completed his or her *Ninth* year of age.

Inspectors to be appointed.

And be it further Enacted, That upon the *passing of this Act*, it shall be lawful for His Majesty, by warrant under His sign manual, to appoint during His Majesty's pleasure *Four* Persons to be Inspectors of Factories and Places where children and young Persons under *Twenty-one* years of age are employed; and in case of the death or dismissal of any of them, to appoint another in the place of such deceased Inspector; which said Inspectors shall carry into effect the powers, authorities and provisions of the present Act; and such Inspectors or any of them shall be empowered to enter any Factory or Mill at all times and seasons when such Mills or Factories are at work, and having so entered, to examine therein the Children and any other Person or Persons employed therein, and to make inquiry respecting their condition and employment; and such Inspectors or any of them shall be empowered to take or call to their aid in such examination and inquiry such Persons as they may choose, and to summon and require any Person upon the spot or elsewhere to give evidence upon such examinations and inquiry, and to administer to such Persons an Oath.

9
Powers and Duties of Inspectors for the enforcement of this Act.

And be it further Enacted, That the said Inspectors or any of them shall have power and are hereby required to make all such Rules, Regulations and Orders as may be necessary for the due execution of this Act, which Rules, Regulations and Orders shall be binding on all Persons subject to the provisions of this Act; and such Inspector shall order, and he is hereby authorized to order a Register or Registers of the Children employed in any Factory, and of their sex and hours of attendance, and of their absence on account of sickness, to be kept in such Factory; and all Registers, Books, Entries, Accounts and Papers kept in pursuance of this Act shall at all times be open to such Inspector, and such Inspector may take or cause to be taken for his own use such copy as he may think proper; and such Inspector may order, and he is hereby authorized to order the occupier of any Factory or Mill to register or cause to be registered any information with relation to the performance of any labour in any such Mill or Factory, if such Inspector deem such information necessary to facilitate the due enforcement of any of the provisions of this Act, or of any of the Regulations which he may make under the authority of this Act; and such Inspector is hereby authorized to order such occupier of any Mill or Factory to transmit, in such manner as may be directed in such Order, any information with relation to the Persons employed or the labour performed in such Mill or Factory, that such Inspector may deem requisite to facilitate the performance of his duties or any inquiry made under the authority of this Act.

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10. One of the Secretaries of State may appoint Persons to superintend, under the Inspector, the execution of this Act.

And be it Enacted, That it shall be lawful for one of His Majesty's Principal Secretaries of State, if he shall see fit, to appoint any one or more Persons to superintend, under the direction of any Inspector, the execution of the provisions of this Act, and of all rules, regulations and orders made under the authority thereof, and such Persons shall be paid by such salary as may be determined by one of His Majesty's Principal Secretaries of State; and if any Constable or Peace Officer shall be required by any Inspector to perform any continuous service, it shall be lawful for such Inspector to allow a special recompense to such Constable or Peace Officer for such service: Provided nevertheless, That any such orders may be altered or disallowed by one of His Majesty's Principal Secretaries of State, on complaint made to him by memorial from any party interested.

11. A regular Clock to be kept.

And be it further Enacted, That the times and duration of the labour or employment of Children and young Persons employed in any such Mill or Factory as aforesaid shall be determined by the nearest principal public Clock in the parish, township or neighbourhood where any such Mill or Factory is situated, or by a Time Clock in the Mill, which Time Clock shall be constantly regulated by the said public Clock, and the labour and employment of the said Children and young Persons shall be regulated by one Clock only, which Clock, together with the number of hours, and what hours the Children and young Persons labour in such Mill or Factory, shall be named and described in large legible characters, upon a board, to be placed in some conspicuous place, outside of the said Mill or Factory.

12. Penalties for Offences against this Act.

And be it further Enacted, That if any Employer of Children in any Factory or Mill shall, by himself or by his servant or workmen, offend against any of the provisions of this Act, or any order or regulation of any Inspector made in pursuance hereof, such offender shall for such offence (except in the case of any offence for which some other penalty or punishment is specially provided) forfeit and pay any sum not exceeding *Twenty* Pounds, nor less than *Ten* Pounds, at the discretion of the Justice before whom such offender shall be convicted.

13. Penalty for obstructing Inspectors.

And be it further Enacted, That if any Person shall knowingly and wilfully obstruct any Inspector in the execution of any of the powers entrusted to him by this Act, such Person shall for every such offence forfeit and pay a sum not exceeding *Five* Pounds.

14. Proceedings under the Act, to be had before a Magistrate.

And be it further Enacted, That all Proceedings for the enforcement of any penalty or punishment imposed by or under the authority of this Act, may be had before any Justice of the Peace acting in and for the town, place, county or division where the offence shall be committed; and the Justice before whom any Person shall be summarily convicted and adjudged to pay any sum of money for any offence against this

Act, may adjudge that such Person shall pay the same either immediately or within such period as the said Justice shall think fit, and in case such sum of money shall not be paid immediately, or at the time so appointed, the same shall be levied by distress and sale of the goods and chattels of the offender, together with the reasonable charges of such distress, and for want of sufficient distress, such offender shall be imprisoned in the Common Gaol, for any term not exceeding *One* calendar Month where the sum to be paid shall not exceed *Five* Pounds, or for any term not exceeding *Two* calendar Months in any one case, the imprisonment to cease in each of the cases aforesaid upon payment of the sum due.

15. Written Notice given of Complaints. Proviso as to Penalties.

And be it further Enacted, That all complaints for offences against this Act shall be preferred within *Twenty-one* Days after the commission of such offences, and written notice of the intention to prefer the complaint for such offence shall, by the complainant, be given within *Fourteen* Days after the commission of such offence to the Party or Parties complained against: Provided always, That no more than one Penalty for a repetition of such offence shall be recoverable except after the service of the written notice as aforesaid.

16. In case of Partnerships, one Name sufficient for Summons, &c.

And be it further Enacted, That it shall not be deemed necessary, in any Summons or Warrant issued in pursuance of this Act, to set forth the name and other designation of each and every the Partners in any such Mill or Factory, but that it shall be lawful to insert in such Summons or Warrant the name of the ostensible occupier or title of the Firm by which the occupier or occupiers employing the workpeople of every such Mill or Factory are usually designated and known.

17. Service of Summons.

And be it further Enacted, That the service of such Summons or Warrant on any occupier, principal manager, conductor, or agent of any such Mill or Factory, shall be good and lawful service.

18. Justice may summon Witnesses to appear and give Evidence, and on neglect may commit to Prison.

And be it further Enacted, That it shall be lawful for any Justice of the Peace, upon any complaint, or upon any investigation under this Act without any complaint, to administer an Oath to any witness, and to summon any witness forthwith to appear and give evidence before him, or at a time and place appointed for hearing such complaint or making such investigation, or to order such witness to be brought before him by any constable or peace officer; and if such witness shall not appear according to such Summons, proof upon oath having been given of the due service of such Summons, or shall resist such constable or peace officer, or shall not submit to be examined as a witness, it shall be lawful for such Justice, by warrant under his hand and seal, to commit such Person for such non-appearance, resistance or non-submission to the County Prison or Prison of the place where such offence was committed, there

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there to remain, without bail or mainprize, for any time not exceeding *Two* calendar Months.

19. And afterwards discharge them on sufficient excuse, or compliance.

Provided nevertheless, and be it Enacted, That, except in the case of resistance to any constable or peace officer, it shall be lawful for the Justice by whom such Person shall be committed, to discharge such Person from prison if such Person shall show any cause to such Justice which shall be deemed satisfactory as an excuse for such non-appearance, or if such Person shall afterwards submit himself to be examined to the satisfaction of such Justice, and the order of such Justice for such discharge shall be a sufficient warrant to any gaoler or prison-keeper.

20. Justice may commit to Prison for Two Months, in case payment of Penalty is refused, or Distress is insufficient.

And be it further Enacted, That if any Person who shall have been sentenced or adjudged to pay any penalty or forfeiture under this Act, shall neglect or refuse to pay the same, it shall be lawful for the Magistrate before whom such Person shall have been convicted to issue his warrant to distrain the goods and chattels of such Person; and if no sufficient distress shall be found, it shall be lawful for the said Magistrate, upon such fact being certified by the constable having the execution of such distress warrant, to commit such Person to the House of Correction or Common Gaol of the town, county or place where such offence was committed, for any time not exceeding *Two* Months; and the said warrant of distress, commitment and certificate of the constable may be in the forms contained in the Schedule to this Act annexed.

21. As to Appeal.

And be it further Enacted, That no appeal against any conviction under this Act shall be allowed, except in the case of a conviction for the forgery of any certificates, vouchers or other documents required by this Act, or by any Inspector under the authority of this Act, neither shall any conviction, except in the case herein last excepted, be removable by Certiorari or Bill of Advocation into any Court whatever.

22 Application of Penalties.

And be it further Enacted, That any Justice by whom any complaint under this Act is determined, shall, if he so think fit, give to the complainant or prosecutor one-half of any penalty imposed for any offence against any of the provisions of this Act, together with all costs of prosecution and conviction, and the remainder of the penalty shall be applied as such Justice may direct, for the benefit of any school wherein Children employed in Mills and Factories are educated, in such township or place where such offence shall be committed: Provided always, That only one penalty shall be recoverable for any one description of offence, from any one person for any one day, and that it shall not be deemed necessary for the complainant or prosecutor to name in any summons the particular township in which such offence shall have been committed; but it shall be lawful to set forth in such

such summons the name of the parish where such offence may have been committed.

23. Inspectors to make annual Reports.

And be it further Enacted, That every Inspector shall keep full Minutes of all his Visits and Proceedings, and shall report the same to one of His Majesty's Principal Secretaries of State *once* in every year, and oftener if required, and shall also report the state and condition of the Factories or Mills, and of the Children employed therein, and whether such Factories or Mills are or are not conducted according to the directions of this Act and of the laws of the Realm.

24. Proceedings of Inspectors required to be uniform.

AND whereas it is expedient that the Proceedings, Rules, Orders and Regulations of the several Inspectors appointed under this Act should be as nearly alike as is practicable under all circumstances; THEREFORE such Inspectors are hereby required within *Three* Months next after they shall have commenced the execution of their several duties and powers under this Act, and *once* at least in every year afterwards, to meet and confer together respecting the several Proceedings, Rules, Orders, Regulations, Duties and Powers under this Act, and at such meeting to make their Proceedings, Rules, Orders and Regulations as uniform as it is expedient and practicable; and such Inspectors are hereby required to make and keep full Minutes of such proceedings, and to report the same to such Secretary of State when they make the Report hereinbefore required.

25. Burgh Magistrates in Scotland to exercise same power as Justices of the Peace in England.

And be it further Enacted, and it is hereby declared, That in all cases in which any Justices or Justice of the Peace are or is required to act or do any thing in any manner under this Act, or are or is named therein, and whenever the subject-matter of any one of the enactments or provisions of this Act shall arise within that part of the United Kingdom called Scotland, the Burgh Magistrates shall be held to have and shall have, within the limits of their own jurisdiction, the same powers, duties and authorities, and which they are hereby required to exercise, as are by this Act conferred upon the said Justices of the Peace and are required to be exercised by them; and where any Mills subject to the provisions and enactments of this Act are situated out of the jurisdiction of the Burgh Magistrates in Scotland, the Sheriffs or Stewards of each county, or their Substitutes, in Scotland, are hereby empowered to hear and determine complaints, and to carry the provisions of this Act into effect, in the same manner as the Justices of the Peace and Magistrates within Burgh before named.

26. The Act 3 & 4 W. 4. c. 103. repealed.

And be it further Enacted, That from and after the *passing of this Act*, the Act passed in the third and fourth years of the reign of His present Majesty, intituled, "An Act to regulate the Labour of Children and Young Persons in the Mills and Factories of the United Kingdom,"

Kingdom," shall be repealed, and the same is hereby Repealed, except as to any Act or Acts repealed by the same.

27. Construction of Terms.

And be it further Enacted, That any words in this Act denoting the masculine gender shall be construed to extend to persons of either sex, and any words denoting the singular number shall be construed to extend to any number of persons or things, if the subject-matter or context shall admit of such an interpretation, unless such construction shall be in express opposition to any other enactment.

28. Public Act.

And be it further Enacted, That this Act shall be deemed and taken to be a Public Act; and shall be judicially taken notice of as such, by all Judges, Justices and others.

The SCHEDULE to which this Act refers.

Form of Conviction.

County of [Town of as the fact may be] to wit. } BE it Remembered, That on the day of in the year A. B. [describe the offender] was, upon the complaint of C. D. convicted before E. F., one of His Majesty's Justices of the Peace of and for, &c. [as the case may be], in pursuance of an Act passed in the year of the reign of His Majesty King William the Fourth, for [describe the offence]. Given under my hand and seal the day and year above mentioned.

Warrant to distrain for Forfeiture.

To the Constable, &c.

County of to wit. } WHEREAS A. B. of in the said county, is this day convicted before me C. D., one of His Majesty's Justices of the Peace in and for the said county, upon the oath of a credible witness, for that he the said A. B. hath [here set forth the offence, describing it particularly in the words of the Statute or rule, as near as can be], contrary to the Statute [or rule, if the offence is against some rule or regulation or order of an Inspector,] in that case made and provided, by reason whereof the said A. B. is adjudged to have forfeited the sum of to be distributed as hereinafter mentioned: These are therefore in His Majesty's name to command you to levy the said sum of by distress of the goods and chattels of him the said A. B.; and if within the space of Four days next after such distress by you taken, the said sum of together with the reasonable charges of taking and keeping the same, shall not be paid, that then you do sell the said goods and chattels by you so distrained, and out of the money arising by such sale that you do pay [according to the award of the Justice], returning the overplus, on demand, to him the said A. B., the reasonable charges of taking, keeping, and selling the said distress being first deducted; and if sufficient distress cannot be found of the goods and chattels of the said A. B. whereon to levy the said sum of that then you certify the same to me, together with this Warrant. Given under my hand and seal the day of

C. D.

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RETURN OF CONSTABLE UPON WARRANT OF DISTRESS WHERE NO EFFECTS.

I, A. B., Constable of in the county of do hereby certify and make oath, That by virtue of this Warrant I have made diligent search for the goods of the within-named and that I can find no sufficient goods whereon to levy the same. As witness my hand the day of

A. B.

Sworn before me the day and year

C. D.

COMMITMENT FOR WANT OF DISTRESS.

County of } TO the Constable of in the county
to wit. } of and to the Keeper of the Common
Gaol [or House of Correction] at in the said county.

WHEREAS A. B. of in the said county, was on the day of convicted before me C. D. Esquire, one of His Majesty's Justices of the Peace in and for the said county, upon the oath of a credible witness, for that he [here set forth the offence] contrary to the Statute made in the year of the reign of His Majesty King WILLIAM the Fourth, for [according to the title of the Act, or, contrary to a certain rule or order or regulation of His Majesty's Inspectors of Factories], and the said A. B. by reason thereof hath been adjudged to forfeit and pay the sum of And, whereas on the day of in the year aforesaid, I did issue my warrant to the Constable of to levy the said sum of by distress and sale of the goods and chattels of him the said A. B., and to distribute the same as in my said warrant was mentioned: And whereas it duly appears to me, upon the oath of the said Constable, that he hath used his best endeavours to levy the said sum on the goods and chattels of the said A. B., but that no sufficient distress can be had whereon to levy the same: These are therefore to command you the said Constable of aforesaid to apprehend the said A. B., and him safely to convey to the Common Gaol [or House of Correction] at in the said county, and there deliver him to the keeper thereof, together with this precept; and I do also command you the said keeper to receive and keep in your custody the said A. B. for the space of unless the said sum shall be sooner paid, pursuant to the said conviction and warrant; and for so doing this shall be your sufficient warrant. Given under my hand and seal the day of

C. D.

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6 WILL. IV.—Sess. 1835.

A

B I L L

To repeal an Act passed in the Third and Fourth Years of His present Majesty King WILLIAM the Fourth, for regulating the Labour of Children and Young Persons in the Mills and Factories of the United Kingdom, and to substitute other Provisions in lieu thereof.

(*Prepared and brought in by Mr. Hindley and Mr. Brotherton.*)

Ordered, by The House of Commons, *to be Printed,*
15 *August* 1835.

11 *August* 1835.

A

B I L L,

INTITULED,

AN ACT for preventing the vexatious Removal of Indictments into the Court of King's Bench; and for extending the Provisions of an Act of the Fifth Year of King WILLIAM and Queen MARY, for preventing Delays at the Quarter Sessions of the Peace, to other Indictments; and for extending the Provisions of an Act of the Seventh Year of King GEORGE the Fourth, as to taking Bail in cases of Felony.

[Note.—*The Figures in the Margin denote the Number of Presses in the Ingrossment.*]

1 WHEREAS it is expedient to prevent Prosecutors of Indictments and Presentments from vexatiously removing the same out of inferior Courts into His Majesty's Court of King's Bench; BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the passing of this Act no Writ of Certiorari shall issue from the Court of King's Bench at *Westminster* for removing into that Court any Indictment or Presentment from any Court of Session, Assize, Oyer and Terminer, or Gaol Delivery or any other Court, at the instance of the Prosecutor or any other Person (except His Majesty's Attorney General), without motion first made in the Court of King's Bench, or before some Judge of that Court, and leave obtained to remove such Indictment or Presentment, in the same manner as similar motions may now be made, and leave given where such application is made on the part of Defendants; any law, practice or usage to the contrary in anywise notwithstanding.

Preamble.

1. No Certiorari shall issue to remove Indictments, &c. from inferior Courts to the Court of King's Bench, at the instance of a Prosecutor, without leave from that Court.

AND

2. Defendants to enter into certain Recognizances before obtaining Writ of Certiorari to remove Indictment, &c. 5 & 6 W. & M. c. 11.

AND whereas it is expedient to extend the powers of an Act passed 2
in the fifth year of the reign of King WILLIAM the Third and Queen MARY, intituled, "An Act to prevent Delays of Proceedings at the Quarter Sessions of the Peace;" BE it therefore Enacted, That instead of the Recognizance now by law required to be entered into before the allowance of a Writ of Certiorari, every Person indicted or presented in any Court of Session, Assize, Oyer and Terminer, or Gaol Delivery, or any other Court, who shall obtain a Writ of Certiorari for removing any Indictment or Presentment whatever into the Court of King's Bench, not being in custody for want of Bail to answer such Indictment or Presentment, shall, before the allowance of such Writ, enter into a Recognizance before one of His Majesty's Justices of the Court of King's Bench, or before a Justice of the Peace of the County or Place in which the Offence is charged to have been committed, or in which such Person shall reside, in such Sum and with such Sureties as the said Court of King's Bench, or one of His Majesty's Justices of the said Court, shall by Indorsement on the said Writ order and direct, which Recognizance shall contain the same conditions as are now by the said Act, and another Act passed in the eighth and ninth year of the reign of King WILLIAM the Third, intituled, "An Act to make per- 3
8 & 9 W. 3. c. 33. petual and more effectual an Act, intituled, 'An Act to prevent Delays at the Quarter Sessions of the Peace,'" required in cases of Indictments removed from the General or Quarter Sessions of the Peace; and thereupon all the Clauses and Provisions contained in the said several Acts with respect to Costs or otherwise, shall extend to such last-mentioned Recognizances; and every Person being in custody for want of Bail to answer the Charge contained in such Indictment or Presentment, shall be detained in custody until the like Recognizances as are hereinbefore directed to be entered into (previous to the allowance of such Writ of Certiorari) shall have been entered into, or until such Person be discharged by due course of law.

3. Extending provisions of Act 7 Geo. 4. as to taking of Bail in cases of Felony.

AND whereas in many cases the taking Bail for the appearance of Persons charged with Felony, may be safely admitted without endangering the appearance of such Persons to take their trial in due course of law; and it is therefore expedient in such cases to amend and extend the provisions in that respect of an Act passed in the seventh year of King GEORGE the Fourth, intituled, "An Act for improving the Administration of Criminal Justice in *England*;" BE it therefore Enacted, That it shall be lawful for any Two Justices of the Peace, if they shall think fit, of whom one or other shall have signed the Warrant of Commitment, to admit any Person or Persons charged with Felony, or against whom any Warrant of Commitment for Felony is signed, to Bail in the manner and according to the provisions directed by the said recited Act, in such sum or sums of money,

and

and with such surety or sureties as they shall think fit; and notwithstanding such Person or Persons shall have confessed the matter laid to his or their charge, or notwithstanding such Justices shall not think that the charge is groundless, or shall think that the circumstances are such as to raise a presumption of guilt.

A

B I L L,

INTITULED,

AN ACT for preventing the vexatious Removal of Indictments into the Court of King's Bench; and for extending the Provisions of an Act of the Fifth Year of King WILLIAM and Queen MARY, for preventing Delays at the Quarter Sessions of the Peace, to other Indictments; and for extending the Provisions of an Act of the Seventh Year of King GEORGE the Fourth, as to taking Bail in cases of Felony.

Ordered, by The House of Commons, *to be Printed,*
11 *August* 1835.

3 *August* 1835.

A

B I L L

To abolish certain Offices connected with Fines and Recoveries, and the Cursitors in the Court of Chancery, and to make provision for the Abolition of certain Offices in the Superior Courts of Common Law in England.

Note.—The Words and Clauses printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS by an Act passed in the third and fourth years of the reign of His present Majesty, intituled, "An Act for the Abolition of Fines and Recoveries, and for the substitution of more simple modes of Assurance," it is enacted, That after the Thirty-first day of December One thousand eight hundred and Thirty-three, no Fine shall be levied or Common Recovery suffered of lands of any tenure, and that every Fine or Common Recovery levied or suffered contrary to the provision of that Act shall be absolutely void, save and except in cases where a Writ of Dedimus or other Writ in the regular proceedings of such Fine or Recovery shall have been sued out, on or before the said Thirty-first day of December One thousand eight hundred and Thirty-three: Preamble: 3 & 4 Geo. 4. cap. 74.

And whereas by the operation of the said Act, the business of certain Offices in the Court of Common Pleas, and of the Alienation Office has almost wholly ceased; and it is expedient that the said Offices should be abolished, and the few duties remaining to be performed transferred to some other Officer;

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,

1. Certain Offices abolished.

and by the Authority of the same, THAT from and after the *Thirty-first* day of *December One thousand eight hundred and Thirty-five*, the several Offices in His Majesty's Court of Common Pleas hereafter mentioned, namely, of the Chirographer and the Secondary Register, and Clerks of Counties in the Office of the Chirographer, of the Clerk of the King's Silver, and of the Clerk of the Return Office, and of the Inrolment of Writs for Fines and Recoveries, and also the several Offices in the Alienation Office, consisting of two Commissioners, a Receiver-General, two Entering Clerks, a Master in Chancery appointed for taking affidavits, and an Office Keeper, shall be and the same are hereby Abolished.

2. Records, &c. transferred to the Registrar in London under 3 & 4 Will. 4. c. 74, subject to Orders of the Court of Common Pleas.

And be it further Enacted, That the several Records, Books and other Documents of and concerning the duties and business of the said offices so abolished as aforesaid, shall, on or before the said *Thirty-first* day of *December*, be delivered by the several officers or persons now having custody of the same into the hands and possession of the Officer of the Court of Common Pleas at Westminster, for the time being appointed or to be appointed by the Lord Chief Justice of the Court of Common Pleas for the purpose of examining, filing and recording all Certificates of the taking of acknowledgments by Married Women of Deeds under the provisions of the said in part recited Act, to be by him kept and preserved; subject nevertheless to such rules, orders and regulations as the Court of Common Pleas shall or may from time to time make or ordain in respect of the same.

3. Business of abolished offices transferred to the Registrar under 3 & 4 Will. 4. c. 74.

And be it further Enacted, That from and after the said *Thirty-first* day of *December*, in all such cases where parties intending to levy a Fine or suffer a Common Recovery, shall on or before the Thirty-first day of December One thousand eight hundred and Thirty-three have sued out a Writ of Dedimus or any other Writ in the regular proceedings of such Fine or Recovery, the proceedings, matters and things usually done, performed, filed or recorded by the Officers whose Offices are hereby abolished, or any of them, which are by law required or needful to be done, performed, filed or recorded in respect of every such Fine or Recovery, shall be done, performed, filed or recorded by the said Officer of the Court of Common Pleas for the time being appointed or to be appointed for examining, filing and recording the before-mentioned Certificates; and the proceedings, matters and things in all such Fines and Recoveries so done, performed, filed or recorded by the said Officer of the Court of Common Pleas, shall, from and after the *Thirty-first* day of *December One thousand eight hundred and Thirty-five*, be as full and effectual to all intents and purposes in law and equity as if the said proceedings, matters and things had been done, performed,

filed

filed and recorded by the Officers whose Offices are hereby abolished; any law, custom or usage to the contrary notwithstanding: Provided always, That the said Officer of the Court of Common Pleas for the time being in the performance and execution of the duties and business hereby transferred to him, shall be subject to all the enactments and provisions now in force by virtue of any Statute or Statutes, and to all the rules, orders and regulations of the Court of Common Pleas now in force, or which may hereafter be made, relating to all such Fines and Recoveries, where the Writ of Dedimus or other Writ in the regular proceedings of such Fines and Recoveries shall have been sued out on or before the said Thirty-first day of December One thousand eight hundred and Thirty-three.

4. Searches may be made and Copies taken, which shall be as available as heretofore.

And be it further Enacted, That from and after the said *Thirty-first* day of *December One thousand eight hundred and Thirty-five*, Searches may be made and Copies or Extracts of and from the said Records, Books and Documents shall and may be had and taken at such times and in such manner as hath been the accustomed practice in the Offices hereby abolished; and all such Copies or Extracts, signed and authenticated by the said Officer of the Court of Common Pleas for the time being appointed or to be appointed as aforesaid, shall be as available in evidence, and as valid and effectual to all intents and purposes, as the same would by law have been if the same had been signed, authenticated and given by the Officers whose Offices are hereby aoblished, or any of them.

5. Fines heretofore paid in the Alienation Office to be paid to Registrar under 3 & 4 Will. 4. cap. 74, and accounted for by him.

And be it further Enacted, That from and after the said *Thirty-first* day of *December* any Fine or Fines usually called Pre-Fines and Post-Fines, now payable on alienation of lands or other hereditaments to the Receiver-General of Alienation Fines, in cases where the Writ of Dedimus, or any other Writ in the regular proceedings of levying a Fine, or suffering a Common Recovery, shall have been issued on or before the Thirty-first day of December One thousand eight hundred and Thirty-three, shall be assessed by and paid to the officer of the Court of Common Pleas for the time being appointed or to be appointed as aforesaid, in like manner as the same is or are now paid and payable to the said Receiver-General of Alienation Fines; and the said officer of the Court of Common Pleas for the time being is hereby required to keep a true and full account of every Pre and Post-Fine received by him, and to account for such Fines to the Lord High Treasurer or Commissioners of His Majesty's Treasury at such times and in such manner as he or they may direct.

6. Same Fees as heretofore to be received and accounted for, and Trea-

And be it further Enacted, That it shall be lawful for such officer of the Court of Common Pleas for the time being, appointed or to be

sury to fix remuneration of Registrar for performing the duties imposed upon him.

be appointed as aforesaid, from and after the *Thirty-first* day of *December*, to demand and receive the same Fees and Emoluments for all proceedings, matters and things done, performed, filed or recorded by him, as the several officers whose offices are hereby abolished have been accustomed to demand and receive; and the said officer of the Court of Common Pleas for the time being is hereby required to account for all such Fees and Emoluments received by him, to the said Lord High Treasurer or Commissioners of His Majesty's Treasury at such times and in such manner as he or they may direct; and the said Lord High Treasurer or Commissioners of His Majesty's Treasury is and are hereby authorized and empowered to allow such officer of the Court of Common Pleas for the time being such remuneration for the performance of the duties imposed upon him by this Act as he or they shall think reasonable and proper.

7. Compensation to Lords of Liberties and others for loss of Fines.

AND whereas by the operation of the said in part recited Act for the Abolition of Fines and Recoveries, several Lords of Liberties and other Persons in England and Wales, who are lawfully entitled to receive certain sums or fines, or parts of fines, payable on the alienation of land and other hereditaments by Fine or Recovery, have been and will be wholly deprived thereof, and it is reasonable and fit that compensation should be made to the said Persons for such losses; BE it therefore Enacted, That it shall be lawful for the Lord High Treasurer or Commissioners of His Majesty's Treasury for the time being, or any Three or more of them, by warrant under their hands, to order and direct that from and after the Thirty-first day of December One thousand eight hundred and Thirty-three, such annual or other compensation as in his or their discretion shall seem just and reasonable, shall be made to all and every the Lords of Liberties, Lessees or Grantees under the Crown, Bodies Corporate and Politic, and other persons, who at the time of passing the said Act were lawfully entitled to fines or parts of fines payable on alienation of land and other hereditaments in England or Wales as aforesaid, for any loss which they have and will respectively sustain by reason of the abolition of such fines; and all such compensations, whether annual or in gross, shall be issued and paid and payable out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland: Provided always, That an account of all such compensations shall, within Fourteen Days next after the same shall be so granted, be laid before the Commons House of Parliament, if Parliament shall be then assembled, or if Parliament shall not be then assembled, then within Fourteen Days after the meeting of Parliament then next following.

8. The sum of 2,000*l.* heretofore paid by Receiver of

AND whereas the Receiver-General of Alienation Fines, prior to the commencement of the year One thousand eight hundred and Thirty-four,

Alienation Fines to the Hanaper to be paid out of the Consolidated Fund.

four, paid to the Keeper or Clerk of the Hanaper in the Court of Chancery or to his Deputy, the sum of Two thousand pounds per annum out of the monies received for Fines at the Alienation Office, upon Writs of Covenant and Writs of Entry, towards defraying the salaries, allowances and other payments charged upon the said Keeper or Clerk of the Hanaper by Acts of Parliament and other authorities: And whereas, in consequence of the abolition of Fines and Recoveries, the said Receiver-General has not been enabled to pay the said sum since the commencement of the year One thousand eight hundred and Thirty-four, and it is necessary that provision should be made for charging it upon the Consolidated Fund; BE it therefore Enacted, That it shall be lawful for the Lord High Treasurer or Commissioners of His Majesty's Treasury for the time being, if he or they shall think proper, to direct a sum not exceeding Two thousand Pounds per annum to be charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and to be issued and paid and payable to the Keeper or Clerk of the Hanaper in the Court of Chancery or to his Deputy, at such times and in such portions as the said Lord High Treasurer or the Commissioners of His Majesty's Treasury may direct, to enable the said Keeper or Clerk of the Hanaper or his Deputy to provide for and discharge the salaries, allowances and other payments charged upon and payable in the said Office of the Hanaper, the first payment of Two thousand Pounds per annum, or such part thereof as may be required, to be reckoned and be payable from the First day of January One thousand eight hundred and Thirty-four.

9.
Cursitors of the Court of Chancery abolished from and after 31st December 1835, and Duties transferred to Petty Bag Office.
2 Will. 4. c. 39.
3 & 4 Will. 4. c. 74.

AND whereas by the operation of an Act passed in the second year of the reign of His present Majesty, intituled, "An Act for Uniformity of Process in Personal Actions in His Majesty's Courts of Law at Westminster;" and of another Act passed in the third and fourth years of the reign of His present Majesty, intituled, "An Act for the Abolition of Fines and Recoveries and for the substitution of more simple modes of Assurance;" the business of the Cursitors of the High Court of Chancery has been greatly diminished, and it is expedient that their offices should be abolished, and the few remaining duties transferred to some other officer belonging to the said Court; BE it therefore Enacted, That from and after the said *Thirty-first* day of *December*, the offices of the Cursitors of the said High Court of Chancery shall utterly cease and determine, and all and every the duties of the said Cursitors shall be performed by the Clerks of the Petty Bag Office in the said Court for the time being, and all the acts to be done by the said Clerks of the Petty Bag Office in the performance of the duties of the said Cursitors, from and after the said *Thirty-first* day of *December* shall, in all respects and to all intents and purposes, have the same force and effect as if

the same had been done and performed by the said Cursitors or by their Deputies.

10. Records, &c. of the Cursitors transfe red to the Clerks of the Petty Bag Office.

And be it further Enacted, That the several Records, Books and other Documents of and concerning the duties and business of the offices of the said Cursitors shall, on or before the said *Thirty-first* day of *December*, be delivered by the said Cursitors or their Deputies into the hands and possession of the said Clerks of the Petty Bag Office, to be by them kept and preserved for the same uses and purposes as the said Records, Books and other Documents have been heretofore kept and preserved in the Office of the said Cursitors.

11. Clerks of the Petty Bag Office to receive the same Fees as the Cursitors for all acts done by them.

And be it further Enacted, That it shall be lawful for the said Clerks of the Petty Bag Office for the time being, from and after the said *Thirty-first* day of *December*, to demand and receive the same Fees for all acts, matters and things done, performed and executed by them as the several Cursitors whose offices are hereby abolished, have been accustomed to demand and receive; and the said Clerks of the Petty Bag Office for the time being are hereby required to account for all such Fees received by them to the said Lord High Treasurer or Commissioners of His Majesty's Treasury, at such times and in such manner as he or they may direct; and the said Lord High Treasurer or Commissioners of His Majesty's Treasury is and are hereby authorized and empowered to allow the Clerks of the Petty Bag Office for the time being such remuneration for the performance of the duties hereby imposed upon them, as he or they shall think reasonable and proper.

12. Power given to the Lords of the Treasury, in conjunction with the Chief Justice, hereafter to abolish useless Offices in the Superior Courts of Common Law in England.

AND whereas by the amendments and alterations which have of late been made, and may hereafter be made in the process, practice, pleadings and other proceedings of the Superior Courts of Common Law in England, the duties of several of the Officers belonging to the said Courts are or may be greatly diminished, or wholly taken away, and it is expedient that Officers so circumstanced should be abolished; BE it therefore Enacted, That from and after the *passing of this Act*, it shall and may be lawful for the Lord High Treasurer or Commissioners of His Majesty's Treasury for the time being, or any *Three* or more of them, and the Chief Judge of the Court to which such Officer may belong, to abolish by an order under their hands any Office in the Superior Courts of Common Law, the duties of which have already been or shall hereafter be wholly taken away, or so much diminished as to render the continuance of such Office inexpedient, in consequence of the various alterations and amendments in the process, practice and proceedings of the said Courts; and in case of the abolition of any such Office where the duties shall

not

not be wholly taken away, but only diminished as aforesaid, it shall and may be lawful for the Lord High Treasurer, or the Commissioners of His Majesty's Treasury for the time being, or any *Three* or more of them, and the Chief Judge of the Court to which such Officer may belong, to transfer the duties remaining to be performed to such other existing Officer or Officers belonging to the said Courts of Common Law as they shall think proper.

13. Order of the Treasury and the Chief Justice for abolition of Offices to be promulgated, showing to what office duties are transferred, and authorizing the receipt of the same Fees by the substituted Officer, &c.

And be it further Enacted, That the Lord High Treasurer, or the Commissioners of His Majesty's Treasury for the time being, or any *Three* or more of them, and the Chief Judge of the Court to which any such Officer may belong, when and as often as it may be deemed expedient to abolish any such office as aforesaid, shall cause their order for such abolition to be promulgated in any manner they may think fit; and shall state in such order when the abolition is to take place, and to what other Office or Officers the duties, if any, of the Office so abolished shall be transferred; and from and after the period fixed by any Order to be made as aforesaid, the Office mentioned therein shall be deemed to be abolished by lawful authority to all intents and purposes; and the Person or Persons holding the Office or Offices to which the remaining duties of the Office so abolished are transferred, is and are hereby empowered and required to perform the same subject to all the Rules and Regulations now in force, or hereafter to be made in respect of the execution of the said duties, and to demand and receive the lawful Fees which have heretofore been or may hereafter be received for such services, and to account for the same to the Lord High Treasurer or Commissioners of His Majesty's Treasury for the time being, at such times and in such manner as he or they may direct: And the said Lord High Treasurer, or Commissioners of His Majesty's Treasury, is and are hereby authorized and empowered to allow to such Person or Persons such remuneration for the performance of the new duties imposed upon them, as he or they shall think reasonable and proper.

6 WILL. IV.—Sess. 1835.

A

B I L L

To abolish certain Offices connected with Fines and Recoveries, and the Cursitors in the Court of Chancery, and to make Provision for the Abolition of certain Offices in the Superior Courts of Common Law in England.

(*Prepared and brought in by*
Mr. Baring and Mr. Chancellor of the Exchequer.)

Ordered, by The House of Commons, *to be Printed,*
3 *August* 1835.

13 *August* 1835.

A

B I L L

To provide that Persons accused of Forgery in Scotland shall not be entitled to Bail, unless in certain Cases.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS by an Act passed in the second and third years of the reign of His present Majesty, intituled, "An Act for abolishing the Punishment of Death in certain cases of Forgery," the punishment of Death was commuted for that of Transportation for Life in all cases of Forgery therein mentioned: Preamble.

And whereas, since the passing of the said Act, Persons accused of Forgery, in consequence of their crime being no longer capital, in general apply for and are admitted to Bail, but very frequently abscond and avoid standing their trial, whereby the ends of justice are defeated;

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *passing of this Act*, no Person or Persons committed for trial in Scotland, for any Forgery or other Offence, which, prior to the passing of the before-mentioned Act, was a Capital Offence, and the punishment of which is, by the said Act, limited to and declared to be Transportation for Life, shall be entitled to insist on liberation on Bail, but without prejudice to the liberation of such Person or Persons as heretofore on such Bail as the public Prosecutor may agree to.

1. Person convicted of Capital Offence not entitled to insist on liberation on Bail.

Provided

2. High Court or Circuit Court of Justiciary empowered to grant privilege of Bail when consistent with ends of justice.

Provided always, and be it Enacted, That it shall be in the power of the High Court or Circuit Court of Justiciary in Scotland respectively, on the application of any Person or Persons accused of any crime which by the before-mentioned Act is declared to be no longer punishable with Death, to admit him or them to the privilege of Bail, provided it shall appear to the Court to which such application is made to be consistent with the ends of justice to do so; but the Bail so to be taken shall be of such amount greater or less than the maximum fixed by the Statutes applicable to Scotland now in force for crimes that are bailable, as the said Court shall, under the whole circumstances of the case, think necessary for insuring the appearance for trial of the Person or Persons accused; any law or practice to the contrary notwithstanding.

6 WILL. IV.—Sess. 1835.

A

B I L L

To provide that Persons accused of Forgery in Scotland shall not be entitled to Bail, unless in certain Cases.

(Prepared and brought in by The Lord Advocate and Mr. Attorney General.)

Ordered, by The House of Commons, *to be Printed,*
13 *August* 1835.

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15 *May* 1835.

A

B I L L

To repeal an Act of the Fifty-ninth year of King GEORGE the Third, for the Prevention of Foreign Enlistment, saving and excepting so far as it repeals former Statutes.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS an Act was passed in the fifty-ninth year of the reign of his late Majesty King GEORGE the Third, intituled, "An Act to prevent the enlisting or Engagement of his Majesty's Subjects to serve in Foreign Service, and the fitting out or equipping in his Majesty's Dominions Vessels for Warlike Purposes without his Majesty's License:" Preamble: 59 G. 3. c. 69.

And whereas the said Act enacted, "That from and after the passing of that Act, an Act passed in the ninth year of the reign of his late Majesty King GEORGE the Second, intituled, 'An Act to prevent the listing his Majesty's Subjects to serve as Soldiers without his Majesty's License;' and also an Act passed in the twenty-ninth year of the reign of his said late Majesty King GEORGE the Second, intituled, 'An Act to prevent his Majesty's Subjects from serving as Officers under the French King, and for better enforcing an Act passed in the ninth year of his present Majesty's reign, to prevent the enlisting his Majesty's Subjects to serve as Soldiers without his Majesty's License; and for obliging such of his Majesty's Subjects as shall accept Commissions in the Scotch Brigade, in the Service of the States-General of the United Provinces, to take the Oaths of Allegiance and Abjuration;' and also an Act passed in Ireland in the eleventh year of the reign of his said late Majesty King GEORGE the Second, intituled, 'An Act for the more effectual preventing the enlisting of his Majesty's Subjects to serve as Soldiers in Foreign Service, without his Majesty's License;' and also an Act passed in Ireland in the nineteenth year of the reign of his said late Majesty King GEORGE the Second, intituled, 'An Act for the more 9 G. 2. c. 30. 29 G. 2. c. 17. 11 G. 2. (I.) 19 G. 2. (I.)

more effectual preventing his Majesty's Subjects from entering into Foreign Service, and for publishing an Act of the seventh year of King WILLIAM the Third, intituled, 'An Act to prevent Foreign Education,' and all and every the clauses and provisions in the said several Acts contained, shall be and the same were thereby repealed:"

And whereas it is expedient to repeal the said Act of the fifty-ninth year of his said late Majesty King GEORGE the Third, except so far as any former Statutes are repealed thereby;

Recited Act 59 G. 3, c. 69, with certain exceptions, Repealed.

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *First* day of *October One thousand eight hundred and Thirty-five*, the said recited Act of the fifty-ninth year of his said late Majesty King GEORGE the Third shall be and the same is hereby Repealed; save and except as to so much of the said Act as repeals the said Acts passed in the ninth and twenty-ninth years of his said late Majesty King GEORGE the Second, and in Ireland in the eleventh and nineteenth years of the reign of his said late Majesty King GEORGE the Second.

5 WILL. IV.—Sess. 1835.

A

B I L L

To repeal an Act of the fifty-ninth year of King GEORGE the Third, for the Prevention of Foreign Enlistment, saving and excepting so far as it repeals former Statutes.

(Prepared and brought in by Colonel Evans and the Lord Advocate.)

Ordered, by The House of Commons, *to be Printed,* 15 *May* 1835.

17 *August* 1835.

A

B I L L

To repeal the Duty and Drawback on Flint Glass, to impose other Duties and another Drawback in lieu thereof, and to reduce the Drawback on German Sheet Glass exported in Panes, and to repeal the Drawback on Unground and Unpolished Plate Glass, and to amend the Laws relating to the Duties on Glass.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

Preamble.

WHEREAS it is expedient to reduce the Duties and Drawbacks on Flint Glass, and the Drawback now payable on the Exportation of German Sheet Glass in Panes, and to repeal the Drawback now payable on the Exportation of unground or unpolished Plate Glass, and it is necessary to amend the Laws for securing the Duties on Glass; BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the day of *One thousand eight hundred and Thirty-five*, the Duties and Drawbacks now payable and allowed on Flint Glass shall be and the same are hereby Repealed, save and except as to any Arrear of Duty which may be due and owing, or which may be charged or incurred, or any Drawback which may be payable on any Flint Glass exported before the said day of *One thousand eight hundred and Thirty-five.*

1. Duties and Drawbacks on Flint Glass repealed.

And be it further Enacted, That in lieu of the Duty on Flint Glass by this Act repealed, there shall be raised, levied, collected and paid, throughout the United Kingdom, the Rates and Duties of Excise hereinafter mentioned; (that is to say) for and upon every One

2. New Duty of 6*s.* 8*d.* on every One hundred Pounds weight of fluxed Materials for making Flint Glass.

One hundred Pounds weight Avoirdupois, and so in proportion for any greater or less quantity of the fluxed materials or metal or other preparations whatever, by what name soever the same may be called or known, that shall be made in Great Britain or Ireland, for the purpose of making Flint Glass, the sum of *Six Shillings and Eight-pence*; such duty to be charged on the gross gauge of such materials or metal, or other preparations in the pot, of which fluxed materials or metal or other preparations, Three thousand two hundred being taken as the specific gravity, Eleven shall be the circular divisor for finding the contents in each pot in Pounds weight Avoirdupois, without any deduction, abatement or allowance whatsoever.

3. Drawback of 18*s.* 9*d.* on every One hundred Pounds weight of Flint Glass exported.

And be it further Enacted, That in lieu of the Drawback on Flint Glass hereby repealed, the following Drawback shall be allowed and paid; (that is to say) for and upon every One hundred Pounds weight Avoirdupois, and so in proportion for any greater or less quantity of Flint Glass which shall be made in Great Britain or Ireland, and for and in respect of which, or of the materials, metal or other preparations from which the same shall have been made, all Excise Duties payable thereon shall have been duly charged, and which shall be exported as merchandize from thence to Foreign Parts, the sum of *Eighteen Shillings and Nine-pence.*

4. Officer to make out an Account at the end of each round or period of Six Weeks of the whole quantity of Glass charged with Duty, and the whole weight of Glass weighed within such period, and to charge 2*d.* per Pound additional on all Excess above 40 per cent.

And be it further Enacted, That at the end of every round or period of *Six* Weeks, an account shall be taken and made out by the Supervisor, Surveyor or Officer of the district or place in which the Glass-house of any Maker of Flint Glass shall be situate, of the whole quantity of Flint Glass for or in respect of which such Maker of Flint Glass, as aforesaid, shall have been charged with duty upon the fluxed materials or metal, or other preparations from which such Flint Glass shall have been made, after deduction of the gauged weight of all fluxed materials, metal or other preparations taken account of by the Officer and laded out of the pot, according to the provisions of an Act passed in the sixth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to repeal the Excise Duties and Drawbacks on Flint Glass made in Great Britain, and to impose other Duties and another Drawback in lieu thereof throughout the United Kingdom, and to continue the Jurisdiction and Powers for recovering Penalties under Customs and Excise Laws in Ireland, until further provision can be made;" and of another Act passed in the second and third years of the reign of His present Majesty, intituled, "An Act to repeal the Excise Duties on Flint Glass, and to impose other Duties in lieu thereof, and to amend the Laws relating to Glass," and of the whole weight of manufactured Flint Glass Wares weighed, or which shall have been made by such Maker of Flint Glass as aforesaid, within

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within such round or period of *Six* Weeks as aforesaid; and if upon such account being taken and made out as aforesaid, the weight of such manufactured Glass and Glass Wares as aforesaid shall exceed the quantity of such Glass as aforesaid with which such Maker shall have been so charged with Duty, after such deduction as aforesaid, by any quantity greater than the quantity of Forty per centum of or upon the whole quantity of such Flint Glass as last aforesaid, every such Maker shall be charged with and pay the sum of *Two-pence* per Pound upon each and every Pound weight of such excess, over and above any Duty which such Maker of Flint Glass as aforesaid shall have paid or may have been charged with, upon the fluxed materials or metal or other preparations from which such Flint Glass as aforesaid shall have been made.

5. Drawback on German Sheet Glass exported in Panes, 4*l.* 2*s.* 8*d.* per hundred weight.

And be it further Enacted, That in lieu of the Drawback of Four Pounds Eighteen Shillings per hundred weight now payable on German Sheet Glass exported in panes, there shall be allowed and paid for every hundred weight of panes of German Sheet Glass made in any part of the United Kingdom, and for which the Duty shall have been charged, and which shall be exported as merchandize from any part of the United Kingdom to foreign parts, such panes not being of less dimensions than *Six* Inches in length by *Four* Inches in breadth, *Four Pounds Two Shillings and Eight-pence*, and so in proportion for any greater or less quantity than an hundred weight of such panes.

6. Duties and Drawbacks to be collected and paid under former Regulations.

And be it further Enacted, That the said Duties and Drawbacks on Flint Glass, and the said Drawback on German Sheet Glass, by this Act imposed and granted, shall be under the management of the Commissioners of Excise, and that the said Duties and Drawbacks shall be respectively raised, levied, collected, recovered, allowed and paid in such and the like manner, and in or by any of the general or special ways, means or methods by which the former Duties and Drawbacks, in lieu of which the same are hereby imposed and granted, were or might be raised, levied, collected, recovered, allowed and paid; and the respective persons, goods, merchandize and commodities liable to the payment or chargeable with the said Duties imposed, or entitled to the said Drawbacks granted by this Act, shall be and the same are hereby made subject and liable to all and every the conditions, regulations, rules, restrictions and forfeitures to which such persons, goods, merchandize and commodities were generally or specially subject and liable by any Act or Acts in force on or immediately before the commencement of this Act respecting the Duties of Excise, under the management of the Commissioners of Excise; and all and every pain, penalty, fine and for-

feiture of any nature or kind whatever for any offence whatever committed against or in breach of any such Act or Acts, and the several clauses, powers and directions therein contained, shall be and are hereby directed and declared to extend to and shall be respectively applied, practised and put in execution for and in respect of the said Duties and Drawbacks hereby imposed and granted and allowed, in as full and ample a manner to all intents and purposes as if all and every the said Acts, clauses, provisions, powers and directions, pains, penalties and forfeitures were particularly repeated and re-enacted in this Act: Provided always, That nothing herein contained shall alter or affect the Drawback now payable on the exportation of panes of Window Glass commonly known as Crown Glass, not being German Sheet Glass, but the Drawback on such Glass exported shall continue and be payable in the same manner as if this Act had not been passed.

Act not to affect the Drawback on Crown Glass.

7.

Flint Glass not to be entitled to Drawback, unless properly manufactured and finished, and worth at least 5*d.* per Pound.

And be it further Enacted, That no Drawback shall be allowed or payable on the Exportation of any Flint Glass wares or commodities which shall not be good, fair and merchantable articles, perfectly manufactured of metal fully and properly fluxed or fused and finished, by all rough, waste and useless parts being removed therefrom, and of such quality as to be worth at least *Five-pence* per Pound exclusive of the Duty, if made or if the same had been made into articles for home consumption; and every Person who shall pack or enter or ship, or cause to be packed, entered or shipped for Exportation on Drawback, any bad or unmerchantable Flint Glass, or any Flint Glass wares or commodities which shall not be of the description and quality aforesaid, shall forfeit *Treble* the value of the Drawback sought to be obtained, or *One hundred* Pounds, at the election of the Commissioners of Excise, together with all the Flint Glass so packed, entered or shipped, which may be seized by any Officer of Excise or Customs.

8.

Flint Glass made into Cylinders not to be opened or flattened out.

And be it further Enacted, That it shall not be lawful for any Maker of Flint Glass, or any other Person, to open or flatten out any shade or cylinder made of Flint Glass, on pain of forfeiting all Flint Glass so opened or flattened out and *One hundred* Pounds.

9.

Plate Glass and German Sheet or Crown Glass not to be made at the same time in the same or any adjoining house.

And be it further Enacted, That it shall not be lawful for any Maker of Crown Glass or German Sheet Glass, who shall also be a Maker of Plate Glass, to make or manufacture, at the same time, within the same glass-house or building, or in any house or building adjoining thereto, any Crown Glass or German Sheet Glass and Plate Glass; but all such Plate Glass shall be made and manufactured in a separate period, when no Crown Glass or German Sheet Glass shall be making or manufacturing, or any fluxed materials or metal

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for making the same, shall be in such glass-house or building; and every such Maker as aforesaid, who shall make or manufacture at the same time, in the same glass-house or building, or in any house or building adjoining thereto, any Plate Glass and any Crown Glass or German Sheet Glass, shall forfeit *One hundred* Pounds; and all the Plate Glass and Crown Glass or German Sheet Glass, found so in the course of manufacture at the same time, shall also be forfeited.

10. Declaring the Acts for securing the duty on Crown Glass to extend to German Sheet Glass.

AND whereas the same amount of Duty is imposed on German Sheet Glass made in the United Kingdom as on Crown Glass; but in some of the Regulations for securing the said Duty, German Sheet Glass is not mentioned, whereby doubts may arise whether German Sheet Glass is included in some of the Regulations prescribed by such Acts; For obviating of which doubts, BE it further Declared and Enacted, That all the Regulations contained in any Act or Acts for securing the Duties on or regulating the manufacture of spread Window Glass or Crown Glass, and all the provisions, clauses, enactments, pains, penalties and forfeitures in such Act or Acts contained, shall extend to and be put in force in securing the Duties on and regulating the manufacture of German Sheet Glass.

11. Manufacturer of German Sheet Glass to provide a room for depositing goods not requiring to be annealed.

AND whereas in the manufacture of German Sheet Glass, Shades and certain other goods and wares are made which do not require to be annealed; and it is expedient to provide for securing the Duty on such articles; BE it therefore Enacted, That every Manufacturer of German Sheet Glass making any Shades or other goods or wares which do not require to be annealed, shall and he is hereby required to provide in his Glass-house a good, sufficient and well-lighted room for the placing and depositing therein such Shades and other goods and wares as do not require to be annealed in an annealing arch; and such room, and the door or entrance thereof, shall be securely locked, fastened and sealed by the Officer or Officers of Excise under whose survey such Maker shall from time to time be, at all times when there shall be any such Glass as aforesaid therein, save and except when the same shall be opened by such Officer or Officers for the purpose of depositing therein such Glass as aforesaid, or of weighing and taking an account of such Glass; and when any such Maker shall be desirous of having the door or entrance of such room unlocked and opened for any of the purposes aforesaid, such Maker shall give to the Officer of Excise under whose survey he shall be, *One* Hour's previous notice in writing of his intention of depositing such Glass in such room, and *Six* Hours' notice for weighing such Glass for the charge of Duty, specifying in such notice the particular time and hour when he is desirous to have the same so unlocked and opened; whereupon the Officer shall attend, pursuant to such notice, and shall unlock and open the said door or

entrance, and shall continue the same so unlocked and open for so long a time as shall be necessary for the purpose specified in such notice, and such Officer shall thereupon again lock, fasten and secure the said door or entrance; and all locks, keys and fastenings requisite and necessary for locking and securing the said room shall be provided and maintained at the expense of such Manufacturer; and if any Maker of German Sheet Glass shall refuse to provide such room as aforesaid, or to pay for any lock, key or fastening provided by the Supervisor of Excise for locking and securing the same, he shall forfeit *One hundred* Pounds.

12. Makers to deposit the German Sheet Glass or Wares not requiring to be annealed in trays or baskets, to be provided by them, and to convey the same into the room provided for that purpose, as soon as filled, under the penalty of 100 *l.*

And be it further Enacted, That every Maker of German Sheet Glass, who shall make or manufacture any German Sheet Glass which does not require to be put or deposited into any lear or to be annealed therein, such Maker having provided such room as by this Act required, for placing and depositing the same therein, shall, as soon as such German Sheet Glass shall be made or manufactured into Glass Wares, lay or deposit all such German Sheet Glass or the Wares into which the same shall be made or manufactured, in trays or baskets, to be by him in that behalf provided, and shall immediately, or so soon as the same shall be filled, carry and convey all such trays or baskets, with the Glass or Wares laid or deposited therein as aforesaid, into the room by him provided for such purpose, and shall place and deposit such trays or baskets, or the German Sheet Glass or Wares therein, in such room, and keep and continue the same therein until the Officer shall have finally weighed and taken an account thereof for charge of duty; and every Maker of German Sheet Glass who shall make or manufacture any such Glass as aforesaid, and shall not so lay or deposit all such Glass or the Wares into which the same shall be made or manufactured in such trays or baskets as aforesaid, or who shall not immediately, or so soon as the same shall be filled, carry and convey every such tray or basket, with such Glass therein, into such room as aforesaid, or who shall not place or deposit such tray or basket, or the German Sheet Glass or Wares therein, in such room, or shall not keep or continue the same therein until the Officer shall have finally weighed and taken an account thereof as aforesaid, shall for every such offence forfeit and lose the sum of *One hundred* Pounds: Provided always, That any Officer or Officers of Excise shall be at liberty to weigh or take an account of all German Sheet Glass brought into or deposited in such room in such manner and at such times as he or they may think fit.

13. German Sheet Glass Makers to provide Scales and Weights in the room for unannealed Glass.

And be it further Enacted, That every Maker of German Sheet Glass shall and he is hereby required to keep sufficient and just Scales and Weights in such room as aforesaid, and shall at his own expense

expense find, provide and affix within such room fit and proper hooks or staples, and also permit and suffer any Officer or Officers of Excise at any time to use the same for the purpose of weighing and taking an account of and re-weighing in such room the Glass, as he may think fit, which shall at any time be deposited therein; and if any such Maker shall neglect to keep such Scales and Weights or either of them, or shall not at his own expense find, provide and affix in manner aforesaid such fit and proper hooks or staples as aforesaid, or shall not permit or suffer any Officer or Officers of Excise to use the same, such Maker shall for each and every such offence forfeit and lose the sum of *One hundred* Pounds; and if any such Maker shall in the weighing or re-weighing of any such German Sheet Glass, make use of, or cause or procure or suffer to be made use of, any false, unjust or insufficient Scales or Weights, or shall practise any art, device or contrivance by which any Officer or Officers may be hindered or prevented from taking the just and true weight of any such German Sheet Glass, then and in every such case such Maker shall for every such offence forfeit the sum of *Two hundred* Pounds, with all such false, unjust or insufficient Scales and Weights respectively, and the same shall and may be seized by any Officer of Excise.

Penalty One hundred Pounds.

Making use of false Scales, penalty Two hundred Pounds.

14.

And be it further Enacted, That the Drawback now payable on unground and unpolished Plate Glass shall be and the same is hereby Repealed; and no Drawback shall be allowed or payable on any Plate Glass exported from the United Kingdom, except such Glass shall be ground and polished, and in all other respects conformable to the Regulations in respect to the Drawback on and export of ground and polished Plate Glass contained in an Act passed in the fifty-sixth year of the reign of his Majesty King GEORGE the Third, intituled, "An Act to repeal certain Drawbacks and countervailing Duties of Excise on Beer and Malt, and to alter the Drawbacks on Plate Glass, and to prevent Frauds therein."

Drawback on unground and unpolished Plate Glass repealed.

15.

And be it further Enacted, That so much of any Act or Acts as prohibits or prevents Plate Glass from being made or manufactured of any greater thickness than Five-eighths of an Inch, shall be and the same is hereby Repealed; and it shall be lawful for any Maker of Plate Glass to make and manufacture the same of any thickness; provided always, That no Plate Glass shall be entitled to be exported on drawback which shall be in any part thereof when ground and polished of a less thickness than *One-eighth* of an Inch.

Repeal of the restriction as to the thickness of Plate Glass.

16.

And be it further Enacted, That so much of an Act passed in the fifty-first year of the reign of his late Majesty King GEORGE the Third, intituled, "An Act for repealing the Duty on the Materials used in

Repeal of the 51 Geo. 3, c. 69, s. 37.

making Flint and Phial Glass, and for granting, until the First day of August One thousand eight hundred and Twelve, other Duties in lieu thereof; and for continuing and amending an Act passed in the forty-ninth year of His Majesty's reign, intituled, 'An Act for repealing the Duties on the Materials used in making Spread Window Glass and Crown Glass, and for granting other Duties in lieu thereof, and for the better Collection of the said Duties;'" as enacts that no Maker or Makers of Glass shall make of common Bottle Metal any Bottle or Bottles smaller or of less size or content than what is commonly deemed and reputed an Half-pint Bottle, and if any Maker or Makers of Glass shall make of common Bottle Metal any Bottle or Bottles smaller or of less size or content than aforesaid, the Maker or Makers of Glass so offending shall for each and every such offence forfeit and lose the sum of Fifty Pounds, shall be and the same is hereby Repealed.

17. Repeal of Certificate to accompany Glass from Ireland.

And be it further Enacted, That so much of any Act or Acts as requires a certificate of the charge or payment of duty to accompany any Glass which shall be removed from Ireland into Great Britain shall be and the same is hereby Repealed.

18. Act may be altered in the present Session.

And be it further Enacted, That this Act or any of the provisions thereof may be repealed, altered or amended by any Act to be passed in this present Session of Parliament.

6 WILL. IV.—Sess. 1835.

A

BILL

To repeal the Duty and Drawback on Flint Glass, to impose other Duties and another Drawback in lieu thereof, and to reduce the Drawback on German Sheet Glass exported in Panes, and to repeal the Drawback on Unground and Unpolished Plate Glass, and to amend the Laws relating to the Duties on Glass.

(Prepared and brought in by Mr. Chancellor of the Exchequer and Mr. Baring.)

Ordered, by The House of Commons, *to be Printed,*
17 *August* 1835.

532.

29 *June* 1835.

(Ireland.)

A

B I L L

To empower Grand Juries in Ireland to raise Money by Presentment, for the construction, enlargement or repair of Piers and Quays.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS it would tend to encourage the Fisheries of Ireland, as well as to facilitate the Export of Agricultural Produce, and the introduction of various Commodities into the Interior, if a sufficient number of Piers and Quays were built upon the Sea Coast, and upon the Banks of navigable Lakes and Rivers in Ireland; BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same; THAT whenever the Grand Jury of any County, County of a City, or County of a Town, shall be of opinion that it is desirable that a Pier or Quay should be constructed in any particular locality, or that any existing Pier or Quay should be enlarged or repaired, it shall be lawful for such Grand Jury to make an order to the Surveyor of such County, City or Town appointed under the provisions of an Act passed in the third and fourth years of the reign of His present MAJESTY, intituled, "An Act to amend the Laws relating to Grand Juries in Ireland," to prepare a Report, Plan and Estimate of the Expense of constructing, enlarging or repairing such Pier or Quay; and such order shall specify upon what Barony, Half-Barony or Baronies it is proposed that the Expense of constructing, enlarging or repairing such Pier or Quay shall be charged.

Preamble.

1. Grand Jury may order Surveyor to prepare a Report, Plan and Estimate for any Pier or Quay.

3 & 4 W. IV. c. 78.

Order shall specify upon what Baronies it is proposed to charge the Presentment.

And be it Enacted, That as soon as the Surveyor aforesaid shall have completed his Report, Plan and Estimate, he shall transmit the same to the Secretary of the Grand Jury; and in case the estimated Expense

2. If Estimate does not exceed 300*l.*, Secretary to the Grand Jury shall lay

Report, Plan, and Estimate before Special Sessions of the Baronies to be charged with Expense.

Expense shall not exceed the sum of *Three hundred* Pounds, the Secretary of the Grand Jury shall submit such Report, Plan and Estimate to the first Meeting next ensuing of the Special Sessions of the Barony, Half-Barony or Baronies upon which it is proposed to charge the expense of the Work, in the manner prescribed with regard to other applications by the aforesaid Act; and it shall be lawful for the said several Special Sessions to approve or reject the proposal to construct, enlarge or repair such Pier or Quay; but it shall not be necessary to submit the said Report, Plan and Estimate to any adjourned Meeting of the Special Sessions to be holden in the manner provided by the aforesaid Act.

Special Sessions may approve or reject.

3.
If the several Sessions approve, Grand Jury may present the estimated Expense of such Pier or Quay.

And be it Enacted, That if all the several Special Sessions of the Baronies upon which it is proposed to charge the expenses of the work, shall concur in approving the proposal, but not otherwise, it shall be lawful for the Grand Jury to make Presentment of the Sum named in the Estimate, and so approved by the Special Sessions, and to direct that such Sum shall be levied upon the Barony, Half-Barony or Baronies specified in the original order, and upon no other.

4.
Grand Jury to appoint a Committee to superintend execution of the Work.
Committee may employ Surveyor or Contractor to execute.

And be it Enacted, That the Grand Jury shall name a Committee, consisting of not more than *Seven*, nor less than *Three* Persons to superintend the execution of the work; and it shall be lawful for such Committee, as it shall see fit, either to agree with a contractor, who shall give security for the due performance of the work, or to entrust its execution to the Surveyor appointed as aforesaid, in which latter case all payments shall be made by the Surveyor upon his own responsibility; and he shall keep an accurate account of the expenditure, which account shall be submitted to the Committee at least *once* every month; and before the Grand Jury shall discharge the Presentment from the County Book, a full account of the whole expenditure shall be submitted to the Grand Jury, signed by the Surveyor, and by at least *Three* Members of the Committee of Superintendence.

5.
Committee, upon being satisfied that due progress has been made by Contractor, may order payment of Three-fourths of Amount presented.

And be it Enacted, That when the work is undertaken by a contractor, the Committee, after receiving a Report from the Surveyor aforesaid, that a proportionate progress has been made in the Work, may order payment to the contractor of any sum or sums, not exceeding in the whole *Three-fourths* of the entire amount presented, but the remaining *One-fourth* shall not be paid until a final Report has been made to the Grand Jury by the Surveyor, that the work has been fully executed according to the terms of the contract, nor unless such Report shall be signed by at least *Three* Members of the Committee aforesaid.

6. Committee may draw upon Treasurer from time to time.

And be it Enacted, That the Committee shall have power from time to time to draw upon the Treasurer for the County, City or Town, as the case may be, for such Sums as may be required to carry the above provisions into effect, and that all Drafts shall be made in favour of the Surveyor or of the Contractor, and shall be signed by at least *Three* Members of the Committee, and countersigned by the Secretary of the Grand Jury, who shall keep an entry of all such Drafts.

7. When the estimated Expense exceeds 300*l.* consent and approval of Board of Works shall be necessary before any further proceeding takes place.

And be it Enacted, That whenever the estimated Expense of constructing, enlarging or repairing any Pier or Quay shall exceed the sum of *Three hundred* Pounds, the Secretary of the Grand Jury, immediately upon the receipt of the Report, Plan and Estimate, as aforesaid, shall transmit the same to the Commissioners of Public Works; and in case the said Commissioners shall not signify their approval of the Undertaking, it shall not be lawful to take any further proceeding upon such Report, Plan and Estimate; but in case the said Commissioners shall communicate, in writing, to the Secretary of the Grand Jury their approval of the Work, or any modification thereof, the Secretary of the Grand Jury shall then in such case lay the said Report, Plan and Estimate, so approved or modified, before the several Special Sessions as aforesaid; and all future proceedings shall be carried on in like manner, and subject to the same regulations as is hereinbefore provided in the case when the Estimate shall not exceed *Three hundred* Pounds.

8. Same proceedings in the case of a County of City, &c. as in County, except that Presentment must be levied off the whole of such County of City, &c.

And be it Enacted, That in case it is proposed to construct, enlarge or repair any Pier or Quay, within the limits of any County of a City or County of a Town, the proposal shall be submitted in like manner to the Special Sessions for such County of a City or County of a Town, and in all respects the same proceedings shall take place as is hereinbefore provided in the case of a County, except only that the expense of the work shall be charged upon the whole of such County of a City or County of a Town, and not upon any District thereof.

9. 1 & 2 W. 4. c. 33.

AND whereas by an Act passed in the first and second year of the reign of His present Majesty, intituled, "An Act for the Extension and Promotion of Public Works in Ireland," it is enacted, that it shall be lawful, in certain cases, for the Commissioners of Public Works in Ireland to make grants in aid of the construction of Piers or Quays, but only when such Pier or Quay is situated on the Sea Coast; BE it Enacted, That after the *passing of this Act* it shall be lawful for the said Commissioners in all cases, whether the Pier or Quay is situated on the Sea Coast, or upon the Bank of a navigable Lake or River, to grant one *Moiety* of the Expense of constructing, enlarging or repairing any Pier or Quay, provided the Grand Jury of any County, County

Board of Works may grant one Moiety of Expense when Grand Jury presents the remaining Moiety.

of a City, or County of a Town, shall make a Presentment for the remaining *Moiety*.

10. Application by Grand Jury for Grant to be in form provided in Schedule (B.)

And be it Enacted, That in any case in which it is intended to apply for such a Grant, the original recommendation shall be in the form provided in Schedule (B.) to this Act annexed, and such recommendation shall be forthwith transmitted by the Secretary of the Grand Jury to the Commissioners of Public Works, who shall, if they so think fit, direct their own Engineer to prepare a Report, Plan and Estimate of the Expense of constructing, enlarging or repairing such Pier or Quay so recommended; and if the said Commissioners shall not consent to grant such Moiety, no further proceeding shall take place upon such recommendation; but in case the said Commissioners shall signify their intention in writing to the Secretary of the Grand Jury to grant such Moiety, the Plan, Report and Estimate, as prepared by their Engineer, or as approved by the said Commissioners, shall be laid before the Special Sessions of the several Baronies upon which it is proposed that the remaining Moiety of the expense shall be charged; and if the said several Special Sessions shall approve of the Undertaking, but not otherwise, it shall be lawful for the Grand Jury tomake a Presentment of such remaining Moiety, and to direct the Treasurer for the County, County of the City, or County of the Town, as the case may be, to levy the amount so presented from off the County of the City, County of the Town, Half-Barony, Barony or Baronies, specified in the original recommendation, and to pay the amount so levied to the Order of the said Commissioners of Public Works.

Sessions may refuse sanction to Presentment of remaining Moiety.

11. When Board of Works grants one Moiety, it shall be responsible for the execution of the Work.

And be it Enacted, That whenever the said Commissioners shall make a grant of one Moiety of the expense required to construct, enlarge or repair any Pier or Quay, the said Commissioners shall become solely responsible for the execution of such work through such Engineer as they shall appoint, and within a period of *Two* Years from the time at which the Treasurer as aforesaid shall have paid over to the order of the said Commissioners the Moiety for which Presentment has been made, the said Commissioners shall cause to be laid before the Grand Jury by which such Presentment has been made a full statement and account of the whole of the Expenditure upon such Pier or Quay, and the Presentment shall not be discharged from the County Book until such account has been so submitted to the Grand Jury.

12. Grand Jury may appoint a Committee to communicate with Board of Works.

And be it Enacted, That it shall be lawful for the Grand Jury to appoint a Committee for the purpose of communicating with the said Commissioners upon all matters and things relating to the construction of any such Pier or Quay.

And

13. Power to get Materials.

And be it Enacted, That whenever a Pier or Quay is to be constructed, enlarged or repaired under this Act, the Contractor or Surveyor as aforesaid entrusted with the execution of the work, shall have the like powers to enter for and carry away materials for the sole use of such work as are now by any Act given to Contractors for the making or repair of any Roads for which Grand Juries in Ireland are empowered to make Presentment.

14. Piers or Quays under this Act to be Public Property.

And be it Enacted, That any Pier or Quay which shall have been constructed, enlarged or repaired under the authority of this Act, shall be considered as Public Property, and neither the proprietor of the soil, nor any other Person, shall have power to charge any Tolls or Rates upon any Vessels or Boats lading or unlading at such Pier, or to make any charge whatsoever for the use of such Pier.

15. When amount required for repair of Pier or Quay does not exceed 10 *l.* Grand Jury may present without reference to Special Sessions.

And be it Enacted, That it shall be lawful for any Grand Jury as aforesaid to present any Sum not exceeding for each Pier or Quay the Sum of *Ten* Pounds in any one year, to be laid out by the Surveyor as aforesaid in the repair of any Pier or Quay, when it shall appear to such Grand Jury that the same is required; and the Surveyor shall strictly account for any money so presented and expended by him; but it shall not be necessary in such case that any proposal should be submitted to the Special Sessions of the Half-Barony, Barony or Baronies, upon which the Grand Jury shall think proper to charge the Presentment.

16. Grand Jury may present in certain cases 50 *l.* at each Assizes for Expenses of Surveyor.

AND whereas by the aforesaid Act, passed in the third and fourth year of the reign of His present Majesty, intituled, "An Act to amend the Laws relating to Grand Juries in Ireland," no power is given to any Grand Jury to present any Sum for the Expenses actually incurred by the Surveyors appointed under the said Act in the execution of their duties; BE it Enacted, That it shall hereafter be lawful for the Grand Jury of any County, County of a City, or County of a Town, in addition to the Salary of the Surveyor appointed under the aforesaid Act, to present any Sum not exceeding, at any one Assize, the Sum of *Fifty* Pounds, by way of indemnity for expenses incurred by the Surveyor, if such Grand Jury shall be of opinion that the expenses actually incurred by such Surveyor since the preceding Assizes have actually exceeded that amount: Provided however, That the whole time of such Surveyor, if required, shall be considered to be at the disposal of the County, County of the City, or County of the Town for which he has been appointed.

17. Persons leaving commodities, &c. on Pier or Quay for more than Forty-eight Hours, liable to fine.

And be it Enacted, That if any Person shall leave any commodity upon any Pier or Quay for the space of more than *Forty-eight* Hours, or shall deposit upon any Pier or Quay any nuisance, such Person so offending shall be liable to a penalty not exceeding *Forty* Shillings,

which may be recovered on the complaint of any Person before *Two* Justices of the Peace, assembled at the Petty Sessions for the District.

18. Application of Penalty.

And be it Enated, That *Half* the aforesaid Penalty shall be paid to the complainant, and the remaining *Half* to the Treasurer of the Hospital of the District, for the use of the Hospital; and in default of payment of the said Penalty by the Person so convicted, it shall be lawful for the said Justices to commit such offender to the Gaol belonging to the County, City or Town in which the offence is committed for a period not exceeding *Fourteen* Days.

SCHEDULES

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SCHEDULES to which this Act refers.

SCHEDULE (A.)

BY the Grand Jury of the County of [or, County of the City, or County of the Town, as the case may be] assembled at [Spring or Summer Assizes, as the case may be] in the year of our Lord it is ordered, That our Surveyor shall prepare a Report, Plan and Estimate for constructing [or, enlarging or repairing, as the case may be] a Pier at the Expense of which shall be defrayed by the Half-Barony of [or, Barony or Baronies of , as the case may be, or by the County of the City of or County of the Town of as the case may be]

(signed) For self and Fellows,
A. F., Foreman.

SCHEDULE (B.)

THE Grand Jury of the County of [or, County of the City of or County of the Town of] assembled at [Spring or Summer Assizes, as the case may be], in the year of our Lord recommend the construction of a Pier at [or, enlargement or repair of the Pier at as the case may be] One Moiety of the Expense of which shall be defrayed by the Half-Barony of [Barony of or Baronies of , as the case may be, or by the County of the City of or County of the Town of], provided that the Commissioners of Public Works shall grant the remaining Moiety, but not otherwise.

(signed) For self and Fellows,
G. L., Foreman.

Ireland.)

A

B I L L

To empower Grand Juries in Ireland to raise Money by Presentment, for the construction, enlargement or repair of Piers and Quays.

(Prepared and brought in by Mr. W. S. O'Brien, Mr. Wyse, and Mr. Lynch.)

Ordered, *by* The House of Commons, *to be Printed*, 29 *June* 1835.

20 *August* 1835.

(Ireland.)

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To empower Grand Juries in *Ireland* to raise Money by Presentment, for the construction, enlargement or repair of Piers and Quays.

[N.B.—*The Clauses marked* (A.) *to* (D.) *were added by the Committee.*]

WHEREAS it would tend to encourage the Fisheries of *Ireland*, as well as to facilitate the Export of Agricultural Produce, and the introduction of various Commodities into the Interior, if a sufficient number of Piers and Quays were built upon the Sea Coast, and upon the Banks of navigable Lakes and Rivers in *Ireland*; BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT when any Person shall be desirous of promoting the erection of any Pier or Quay, or the repairing or enlarging of any existing Pier or Quay, or the making or repairing of any Road or Approach to any such Pier or Quay, in any County, County of a City or County of a Town in *Ireland*, it shall and may be lawful for such Person to make application, and the Grand Jury of the said County, County of a City or County of a Town to make Presentment for such purposes, in like manner, and subject to all the regulations and provisions which are contained in the first Act of the third and fourth of WILLIAM the Fourth, intituled, "An Act to amend the Laws relating to Grand Juries in *Ireland* respecting Public Works;" and every such application shall be proceeded on, in every respect, as if it were for a Public Work under the said recited Act of the third and fourth of WILLIAM the Fourth: Provided always, That no sum or sums of Money shall be presented for the erection of any Pier or Quay, or the making any Roads or Approaches thereunto, or for the repairing or enlarging of any Pier or Quay, or of the Roads or

Preamble.

1.

CLAUSE (A.) Grand Jury may make a Presentment for erecting, repairing or enlarging any Pier or Quay.

Approaches thereunto, exceeding in the whole the sum of Three hundred Pounds sterling.

2. CLAUSE (B.) Justices may grant Order for Repairs.

And be it Enacted, That it shall and may be lawful for any Two Justices of the Peace in Petty Sessions assembled, in any County, County of a City or County of a Town, under their hands and seals, to order any sum not exceeding Ten Pounds to be expended in repairing any Pier or Quay which may be suddenly damaged, in like manner, in all respects, as they are empowered by the said recited Act of the third and fourth of WILLIAM the Fourth to direct the repairs of any Roads or Bridges which may be suddenly damaged.

3. CLAUSE (C.) Pier or Quay to become Public Property.

And be it Enacted, That every Pier or Quay which shall be built, enlarged or repaired under the provisions of this Act and of the said recited Act of the third and fourth of WILLIAM the Fourth, shall be deemed to become Public Property.

4. CLAUSE (D.) No Stamp Duty on Contracts.

And be it Enacted, That no Contract for the making, erecting, repairing or enlarging any Public Work to be entered into by virtue of this Act, or of the said recited first Act of the third and fourth of WILLIAM the Fourth, shall be liable to any Stamp Duty.

6 WILL. IV.—Sess. 1835.

(Ireland.)

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To empower Grand Juries in *Ireland* to raise Money by Presentment, for the construction, enlargement or repair of Piers and Quays.

(Prepared and brought in by Mr. W. S. O'Brien, Mr. Wyse, and Mr. Lynch.)

Ordered, by The House of Commons, *to be Printed,*
20 *August* 1835.

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